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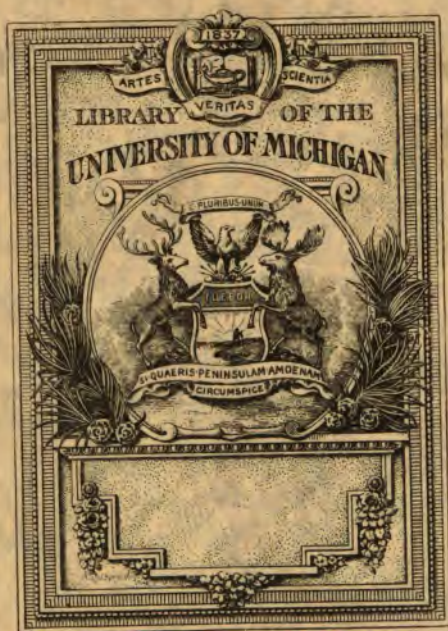
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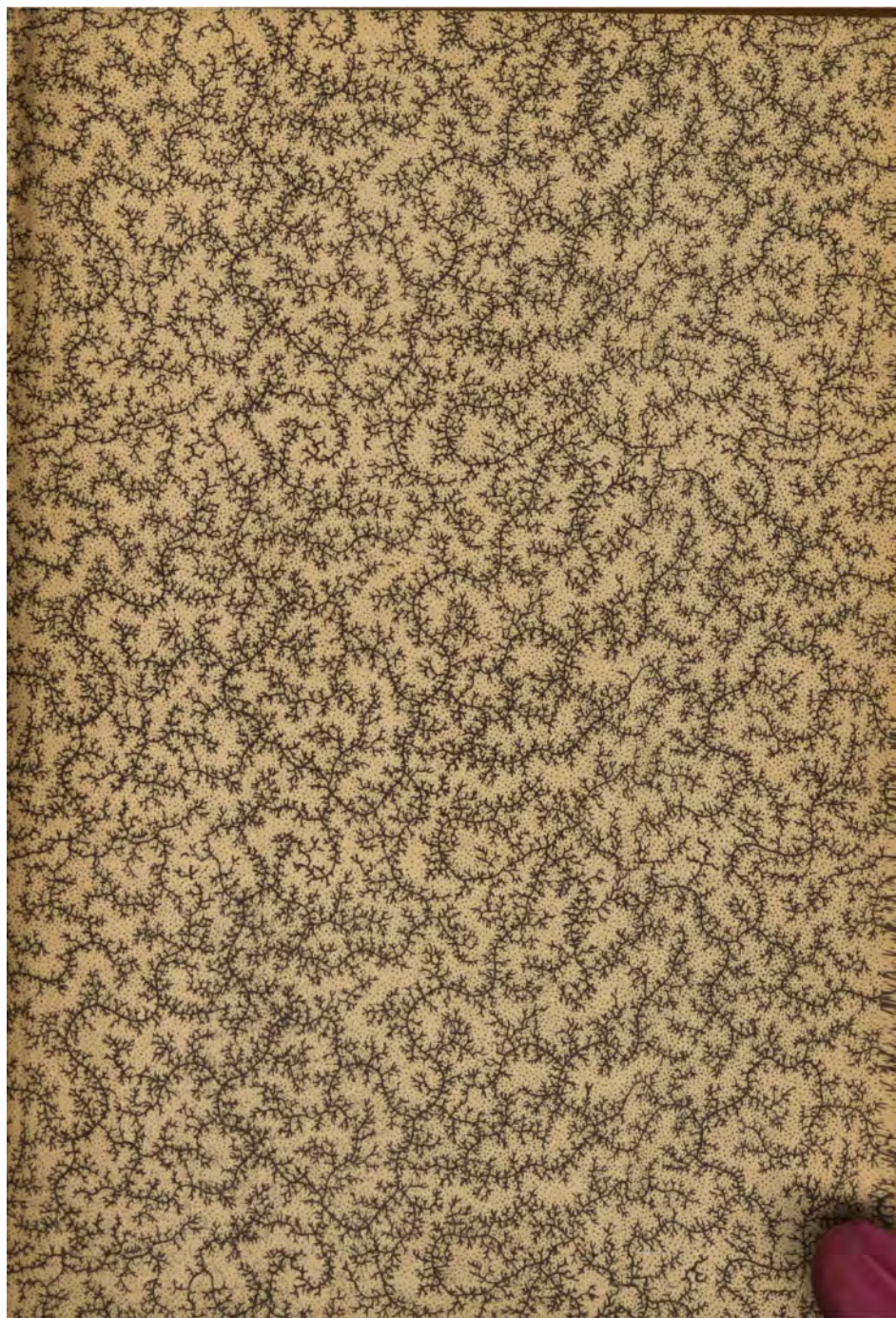
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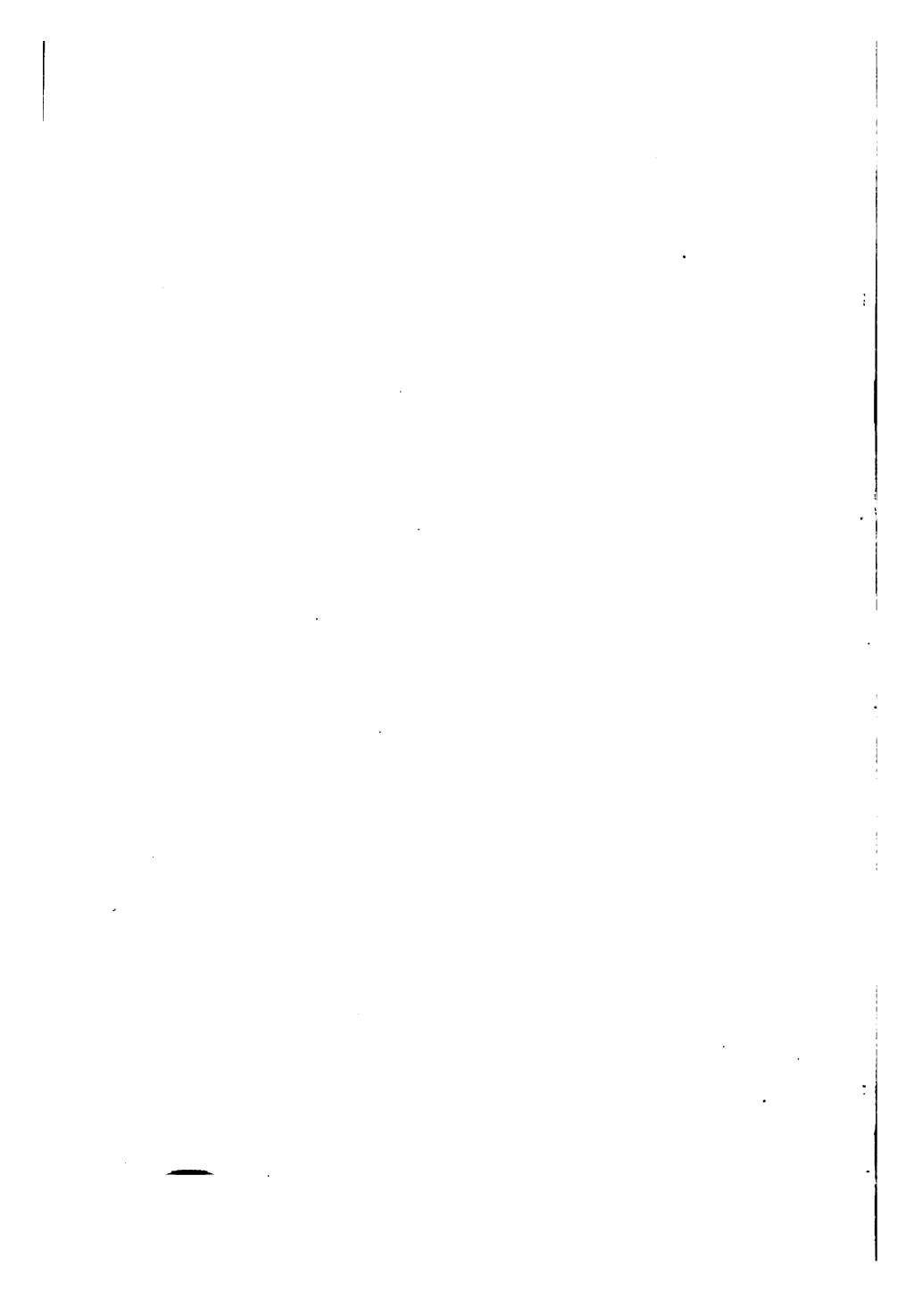








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THE  
GOVERNMENT OF THE PEOPLE  
OF THE STATE OF  
C O L O R A D O

*J. S. Young*  
BY  
J. S. YOUNG, A. M.

PROFESSOR OF AMERICAN HISTORY AND GOVERNMENT, COLORADO STATE  
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In the preparation of this work, the aim has been, not to present a hand-book of condensed facts, but through interest and suggestion, to stimulate the desire for individual investigation. In accordance with this view, the school library should be provided with the Session Laws, issued by the Secretary of State, since 1887. In this connection a set of Mills' *Annotated Statutes* (3 vols.) and a set of Hall's *History of Colorado* (4 vols.) will prove valuable aids. The teacher and pupils should make a collection of primary, convention and election calls, official ballots, blanks used by various officers and the official reports of State and local officers.

The pupil should be led to discover the principles of government by his own thought and labor. To assist and direct in this work numerous references have been given to the Constitution. In the study of government nothing can take the place of the Constitution.

To use the "Studies" profitably, will require much conscientious preparation on the part of the teacher. The instructor should encourage intelligent observation of all those things with which the citizen has to do in every-day life.

That knowledge of government is valueless which does not inspire the pupil, at the proper time, to the performance of civic duties; which does not lead him to realize that obedience to authority is the fundamental basis of patriotism.

Criticisms, suggestions and questions that may occur to teachers who use this book will be received in the professional spirit.

The author desires to express his obligations to Professor N. M. Fenneman, his colleague, at whose suggestion this book was undertaken, and to others who have kindly aided with advice and information.

For the purpose of uniformity, the plan and portions of the text of this book are similar to those in other works of the series of which it is a part.

J. S. Y.

STATE NORMAL SCHOOL, }  
Greeley, Colorado, }

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# THE CIVIL GOVERNMENT OF COLORADO.

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## CHAPTER I.

### INTRODUCTION.

1. "A State is a political community of free citizens occupying a territory of defined boundaries, organized under a government sanctioned and limited by a written constitution, and established by the consent of the people. Each State or Commonwealth maintains a republican form of government, which is guaranteed by the United States."

In an analysis of the above definition the following points are prominent:

- (1) The Land,
- (2) The People,
- (3) The Laws,
- (4) The Government.

The civil government of Colorado, or of any State, must consider the people as an organized unit, having a designated abode; and as having officers chosen to enact and administer laws according to the will of the people. The objects of civil government are (1) to secure justice and (2) to advance the interests of the common weal.

2. **The Land.**—In this age, wandering tribes, held together by an identity of interests only, do not constitute

a State. Since the introduction of agriculture the people have become more and more attached to some particular locality. A fixed abode has fostered the home and family sentiment. The land, then, as the theatre of the people's activities, is one of the permanent elements of the State. The name Colorado designates not only the political organization of free citizens, but also the land comprised within certain specified limits.<sup>1</sup>

The character of the land—its fertility, resources, location and extent—determines the occupations of the people. The occupations of the people, together with their former training, determine the form of government for the State.

A State with fertile soil and favorable climate, extensive forests of timber, and vast stores of minerals, requires a form of government and special laws that will regulate agriculture, lumbering and mining. The special laws of a State containing a navigable river will probably pertain to commerce.

The chief resources of Colorado are (1) fertile soil and (2) a great variety of minerals. These resources indicate the occupations of the people, and the occupations in turn indicate the special character of the laws of the State.

**3. The People.**—The habits and customs of the people, their former political training and education, modified by the physical environment, indicate the peculiar form of laws which a free State will possess. Many States contributed to the pioneer population of Colorado. The Middle States east of the Mississippi, especially central and southern Illinois, furnished the largest number, hence the political ideas of the people from those States have been re-enacted in this State.

Even after the government has been organized the subsequent laws at any given time will depend on the training, temper and needs of the people who constitute the

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<sup>1</sup> See *Constitution, Art. I.*

citizenship of the State. The laws of Colorado differ from those of Massachusetts; those of California, from those of Iowa. They differ because the people have different needs, and have different ideas concerning laws.

It is necessary to study the history of the people as a basis for any work on civil government.

**4. The Laws.**—The laws of Colorado are either enacted directly by the people or indirectly by the representatives of the people. The people enact the organic or fundamental law of the State. This law is called the Constitution. It describes the framework of the government, the powers and duties of officers and the rights of the people. The Constitution can be changed only by the will of the people; no officer can change it.

The Constitution provides for its own amendment by the people, that it may be adequate for the constantly widening demands of society.

Throughout the Constitution such expressions as, "unless otherwise provided by law" and "as shall be provided by law" occur frequently. In this way authority is given to the General Assembly to enact laws indirectly for the people. These are called statutory laws. They must not conflict with the organic law enacted directly by the people. Statutory law, especially that enacted by the first General Assembly, is very important. Many of these laws provide for the regulation of mining, irrigation, agriculture and stock-raising, for, next to the freedom of the people, these are the subjects of greatest importance.

The laws of the State are constitutional law, the statutory laws, the interpretation of the courts, and that which cannot be expressed in written form—the character of the people. It should be understood that back of the laws, to give them authority, and back of the government to make it efficient, is the will of the people.

**5. The Government.**—By means of the ballot the people elect representatives or officers. Theoretically, officers



are only individuals in the State; practically, however, while invested by the people with civil authority they constitute the government. The government is concerned with enacting, administering and interpreting laws. While acting as the government, officers are held strictly responsible for their official acts. They may be impeached and tried for malfeasance in office.

6. The Constitution and the laws of Colorado must not conflict with the Constitution and the laws of the United States; but the government of the State is supreme within its sphere. Questions of National policy often overshadow local questions, but home government in the school district, in the county and in the State has more to do than National government in matters connected with the home, the family, and the daily life of the citizen.<sup>1</sup> Through a thorough understanding of local affairs the citizen more readily comprehends the needs of the National government. Active participation in the government of small local units should be the watchword of every citizen. It is only in this way that this will be "a government of the people, by the people, and for the people."

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<sup>1</sup> "It will not be denied that the State government touches the citizen and his interests twenty times, where the National government touches him once."—JAMES A. GARFIELD.

"An American may, through a long life, never be reminded of the Federal government, except when he votes at presidential or congressional elections, lodges a complaint against the post-office, and opens his trunk for a custom-house officer on the pier at New York when he returns from a tour in Europe. His direct taxes are paid to officials acting under State laws. The State, or a local authority constituted by the State statutes, registers his birth, appoints his guardian, pays for his schooling, gives him a share in the estate of his father deceased, marries him, divorces him, entertains civil action against him, declares him a bankrupt, hangs him for murder. The police that guard his house, the local boards which look after the poor, control highways, impose water rates, manage schools—all these derive their legal powers from the State alone."—BRYCE'S *American Commonwealth*.



WILLIAM GILPIN, FIRST GOVERNOR OF COLORADO TERRITORY.

## CHAPTER II.

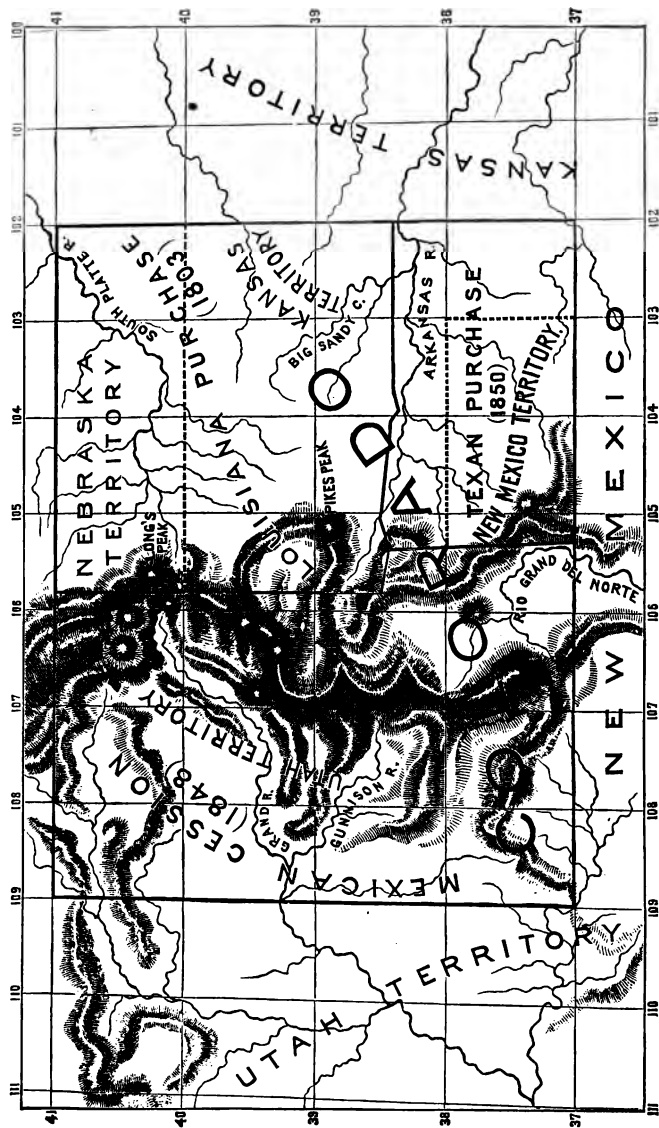
### HISTORICAL SKETCH OF COLORADO.



#### GENERAL DESCRIPTION OF COLORADO.

7. COLORADO is one of the highest States in the Union, being situated partly in the great plain of the Mississippi valley, and partly in the Rocky Mountain region, between latitude  $37^{\circ}$  and  $41^{\circ}$  north, and longitude  $102^{\circ}$  and  $109^{\circ}$  west from Greenwich. Its length from east to west is three hundred and eighty miles; its width from north to south is two hundred and seventy-five miles. In area (103,925 square miles) it ranks as the fifth State in the Union.

The territory included in this vast area was acquired by the United States in three tracts: the territory north



COLORADO TERRITORY IN 1861, SHOWING ACQUISITIONS.

of the Arkansas River and east of the summit of the Rocky Mountains was purchased from France in 1803; that south of the Arkansas River and east of the Rio Grande was purchased from Texas in 1850; the remainder of the State was acquired by the Mexican cession of 1848.<sup>1</sup>

### DISCOVERY AND EXPLORATION.

8. In 1540 Coronado, a Spaniard, set out from Santa Fé in search of the seven cities of Cibola.<sup>2</sup> He reached these cities, but found the stories about gold to be false. The natives directed him eastward. His account relates that he reached latitude 40° north, somewhere on the southern boundary of Nebraska. This explorer is supposed to have been the first white man within the present limits of Colorado.

In 1776 another Spanish exploring expedition, under the command of Escalante, set out from Santa Fé, with the intention of exploring a route from Santa Fé to the coast of Upper California. This company traversed the western part of Colorado through the territory of the Cliff-dwellers<sup>3</sup> north to where the White River enters Utah.

9. The next account of exploration in this territory is that of Lieutenant Zebulon M. Pike. The vast territory known as Louisiana had been transferred by Napoleon to the United States in 1803. This territory was an unknown land. The government at Washington was desirous of having it explored. Lieutenant Pike was sent out to explore the source of the Red River. In 1806 he beheld

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<sup>1</sup> For a history of these acquisitions see any standard United States History.

<sup>2</sup> The Indians reported to the Spaniards that to the northward were located seven cities comparable in size to the City of Mexico. These cities were supposed to be very wealthy in gold and silver.

<sup>3</sup> In the south-western part of Colorado there are found the remains of an extinct race, known as the Cliff-dwellers.

the stately peak which now bears his name. In his diary he thus refers to it: "This mountain was so remarkable as to be known to all the savage nations for hundreds of miles around, and to be spoken of with admiration by the Spaniards of New Mexico, and was the bounds of their travels north-west."

10. A second expedition was fitted out by the government in 1820, and placed under the command of Col. Stephen Long. In the early summer he reached and followed up the South Platte River, and discovered the giant peak to which his name has been given. Col. Long carefully examined the territory from Long's Peak to Pike's Peak. His report to the government described most of the territory west of the Missouri River as a desert. As a result of this report no more exploring expeditions were sent out by the government until 1842.

11. Col. John C. Fremont, the illustrious "Pathfinder," had charge of the expedition of 1842. Upon his arrival at California Crossing (Julesburg) he sent a detachment of his forces to Fort Laramie. With the rest of his command, he proceeded up the South Platte to Fort St. Vrain, a trading-post seventeen miles east of Long's Peak, and one hundred miles north of Pike's Peak. He turned north and explored the country beyond the limits of Colorado. In 1843 Fremont made surveys of the country north and south of the Divide and mapped out the main geographical features of Colorado.

None of these explorers knew for a certainty that there was gold in this region, although Fremont's reports bore testimony to the mineral character of the country.

#### EARLY SETTLEMENTS AND DISCOVERY OF GOLD.

12. Trappers, hunters and scouts are the forerunners of builders of forts; the builders of forts and the defenders of the frontier blaze the way for a subsequent civilization. The early work of such scouts and guides



as Carson, the Bents; the St. Vrain, Bridger and Maxwell guided those who followed them and whose genius for civilization has builded an empire.

The first place in Colorado for the habitation of white persons was a stockade built by Lieutenant Pike for winter quarters in 1806-7, near the present town of Cañon City on the Arkansas River. He also established a block house in the San Luis valley. In 1826 the Bent brothers and Ceran St. Vrain, who were experienced trappers and traders in the service of the American Fur Company, erected a rude trading-post nearly midway between Cañon City and Pueblo on the north bank of the Arkansas River.

In 1828 the Bents moved to a point a few miles east of the present town of Las Animas and erected a structure which was known as Fort William in honor of Colonel William Bent.

In 1854, after the destruction of Fort William, Col. Bent built another fort several miles west of the original fort. This was leased to the government in 1859. In 1860 Col. Sedgwick, aided by Col. Bent, began the construction of a fort at the mouth of the Purgatoire River. This was first named Fort Wise, in honor of Governor Wise of Virginia, but subsequently the name was changed to Fort Lyon.

13. About 1840 a settlement was made on the present site of Pueblo by Charles Bent, Lupton, and St. Vrain. They also made a settlement thirty miles above, at Hard-scrabble. Fort Massachusetts was established in the San Luis valley in 1852. It was dismantled in 1858, but was rebuilt and called Fort Garland.

14. In 1858, on the banks of the Platte a few miles above Denver, a settlement was made and named Montana City. The same year a party of nine selected the east side of Cherry Creek, near its mouth, for a town site, and gave it the name of St. Charles. About the same time another company selected the west side of Cherry Creek for a town

site, and named it Auraria. The name of St. Charles was soon changed to Denver in honor of the governor of the Territory of Kansas. An intense rivalry existed between Denver and Auraria (West Denver) until 1860, when the two towns were consolidated under the name of Denver.

The first settlers came to Boulder county in 1858. South Park, Golden, Colorado City, Boulder, and Russellville were settled in 1859.

15. A party of Cherokee Indians, in 1852, on their way from Georgia to California, discovered gold in a small tributary of the Platte. Exciting reports of gold induced many persons to leave their homes in the East for the Pike's Peak country. In 1858, W. Green Russell of Georgia prospected for gold along Cherry Creek and the Platte. His search was rewarded by finding gold in paying quantities. John H. Gregory, in 1858, discovered rich veins of gold in the region about Black Hawk and Central City. The news of the gold discovery having been confirmed, the Pike's Peak country soon became filled with prospectors looking for wealth.

#### ATTEMPTS AT GOVERNMENT.

16. The population of the Pike's Peak country was of a cosmopolitan character. All elements were represented; but the Anglo-Saxon genius for government soon asserted itself. The first effort at local government is to be found in the courts which administered justice.

On the plains, the People's courts held sway; in the mountains, the Miners' courts had jurisdiction.

In the People's courts persons accused of crime were tried by hastily improvised assemblies of the people themselves acting as a jury, presided over by a judge selected for the purpose. The accused person was assigned an attorney to defend him and was given a fair trial.

The Miners' courts acted under a different organization. Pursuant to a public call all the miners of a district met,

organized the district, elected a president, judge, sheriff, collector and surveyor for the ensuing year, prescribed their powers and duties, and enacted a "Miners' code." The court was responsible to the Miners' Meeting. A case not settled by the courts was carried directly to the Miners' Meeting, from which there was no appeal. The judicial machinery of the People's and the Miners' courts was not extensive, but the decisions were usually on the side of justice.

17. A large portion of what is now Colorado was included in the original Territory of Kansas, but the Kansas officials restricted their operations to the eastern part of the Territory, and the government of the Pike's Peak country was neglected. A convention of people, acting as citizens of Kansas, was held at Auraria in November, 1858, and a county formed and named Arapahoe, after a neighboring tribe of Indians. The convention elected Hiram J. Graham as delegate to Congress and Andrew J. Smith as representative to the Kansas legislature. Graham was instructed to petition Congress to form the county of Arapahoe into a Territory. Smith was to endeavor to secure a seat in the Kansas legislature and to have the organization of Arapahoe county confirmed. The efforts of both these gentlemen were fruitless, except that the county of Arapahoe was confirmed by the Kansas legislature.

18. As the population was constantly increasing, an established form of government became indispensable. On April 11, 1859, a mass meeting was held at Auraria. At this meeting it was determined to hold a delegate convention. This convention, held April 15th, determined on "the formation of a new and independent State of the Union." At a delegate convention on the first Monday in June, the work of drafting a Constitution was entrusted to eight committees. These committees were empowered to prepare the Constitution and present it for considera-

tion to a larger convention to be held the first Monday in August. At this convention in August a Constitution was completed which was to be submitted to the people for acceptance or rejection. On September 4th the Constitution was rejected by a large majority.

19. On Monday October 3d, Beverley D. Williams was elected to memorialize Congress to organize the Pike's Peak country. Delegates were elected at the same time to form a Provisional Territorial Government. The delegates chosen entered upon their work with earnestness. The new Constitution was called the "Organic Act of the Territory of Jefferson." On Monday October 24th, officers were elected for the Territory of Jefferson. Robert W. Steele was chosen governor. The newly elected legislature met and formally received the message of Governor Steele, and enacted a full criminal and civil code. A contest between the Kansas officials of Arapahoe county and the officials of the Territory of Jefferson was waged for supremacy. The Kansas officials finally ceased to have more than a nominal existence. The Provisional Government continued until the Territory of Colorado was organized.

#### COLORADO AS A TERRITORY.

20. The Territory of Colorado<sup>1</sup> was organized by an act of Congress approved February 28, 1861. The act provided for the appointment of a governor and other Territorial officers, including judges of the Territorial supreme court. The Territorial legislature consisted of a Council and a House of Representatives.

21. In 1861 the Federal officers arrived, and on May 29, 1861, civil government in Colorado, under the authority of the National government, was regularly established.

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<sup>1</sup> Colorado takes its name from the Colorado River. This river was so named from the color of the water; Colorado being the Spanish name for red.

William Gilpin was the first governor of the Territory. Soon after assuming office he made a tour of the settlements to acquaint himself with their needs. At all points of this journey he was given an ovation, for the people felt secure when under the strong arm of the Federal government. Gilpin has been called the "Founder of Colorado." When asked what he was doing in the West, he invariably replied, "I am founding an empire." He lived to see his statement verified.

In compliance with the provisions of the act organizing the Territory a census was taken; the population was found to be 25,329. The Territorial supreme court was established July 10, 1861. On July 11th the governor issued a proclamation declaring the Territory one congressional district, and this was divided into nine council and thirteen representative districts. On August 19th, Hiram P. Bennett was elected delegate to Congress, and on the same day the members of the Territorial legislature were elected. The legislature convened September 9th. Full civil and criminal codes were adopted; in mining legislation the authority of the Miners' courts was recognized, and provision was made for the transfer of cases from the Miners' courts to the Federal courts. The first legislature deserves great praise for its efficient work.

Governor Gilpin organized the first regiment of Colorado infantry, which was placed under the command of Col. John P. Slough. The Texan invasion of 1862 was repelled by this force. During this year a strong tide of immigration set in.

22. Governor Gilpin was succeeded by Dr. John Evans in April, 1862. During 1862-3 two regiments of Colorado cavalry were raised. They won renown in their movements in Missouri against the Confederates commanded by General Price. In 1863 a branch telegraph line was completed from California Crossing (Julesburg) to Denver.



During this year there was a great boom in the mining business. In the spring of 1864 the Indians of the plains combined to exterminate the whites. They attacked coaches and wagon trains, massacred the inmates of exposed settlements, and scalped and mutilated helpless women and children. At Sand Creek, about twenty miles north-east of Lamar, Col. Chivington, with a body of United States troops, attacked a party of seven hundred Cheyennes and completely annihilated them.

23. In 1864 the Colorado legislature petitioned the thirty-eighth Congress to pass an "enabling act" providing for the admission of Colorado as a State. The enabling act was passed by Congress, but the Constitution prepared by a convention under the authority of the enabling act, when submitted to a vote of the people was rejected, in October, 1864.

24. In 1865 there was another outbreak of the Indians, which was quelled by United States troops.<sup>1</sup> In this year another Constitution was framed by a convention and adopted by a vote of the people. At this time Congress was not disposed to admit Colorado as a State. An exigency arose,—Congress needed the services of another representative and two senators to assist in the impeachment of President Johnson. Another enabling act was passed, but it was vetoed by President Johnson.

25. Alexander Cummings succeeded John Evans as governor in October, 1865. During his administration Colorado enjoyed unusual prosperity. On May 27, 1867, Alexander C. Hunt became governor; he was succeeded by Edward M. McCook, June 15, 1869.

26. In 1870 the Denver Pacific railway was completed to Cheyenne, to intersect with the Union Pacific; the Kan-

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<sup>1</sup> The early history of Colorado is replete with the records of heroic struggles with the Indians. The massacre of Nathan C. Meeker is a disgraceful blot on the Indian policy of the National government.

sas Pacific also reached Denver from Kansas City during this year. During this and the succeeding year, successful settlements were made at Greeley, Longmont and Colorado Springs. Soon after, many successful colonies were planted in the San Juan region.

Samuel H. Elbert succeeded Edward M. McCook as governor in 1873, but McCook was re-appointed in 1874. A bitter factional fight was waged among the members of the Republican party on account of the frequent change of Territorial governors. It was finally settled by the appointment of John L. Routt as governor, March 29, 1875.

Through the efforts of Jerome B. Chaffee, delegate to Congress, a third enabling act was passed in 1875 providing for the admission of Colorado as a State.



JOHN L. ROUTT, FIRST GOVERNOR OF THE  
STATE OF COLORADO.

#### COLORADO AS A STATE.

27. The admission of new States into the Union is provided for by the Constitution of the United States, but the conditions and mode of admission are left to be prescribed by Congress.<sup>1</sup>

The act enabling Colorado to become a State was approved by President Grant, March 3, 1875. On Monday, October 25, 1875, an election was held for delegates to form a State Constitution. The constitutional convention assembled Monday, December 20th, in the city of Denver. It

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<sup>1</sup> See THORPE's *Course in Civil Government*, page 61.

completed its work in eighty-six days.<sup>1</sup> There were thirty-nine members in the convention. To their honor be it said, partisan political feeling was for the time quieted. The convention wrought earnestly, honestly and patriotically for the future of Colorado.

The convention issued an address to the people, which deserves to rank as a State paper of high order. The Constitution was submitted to a vote of the people July 1, 1876.<sup>2</sup> The majority in its favor was 11,381, which was duly certified to the President by Governor John L. Routt. President Grant issued his proclamation declaring Colorado a State of the Union, August 1, 1876.<sup>3</sup> Thus was Colorado, "The Centennial State," ushered into the sisterhood of States during the celebration of the one hundredth anniversary of the Republic.

#### RESOURCES OF COLORADO.

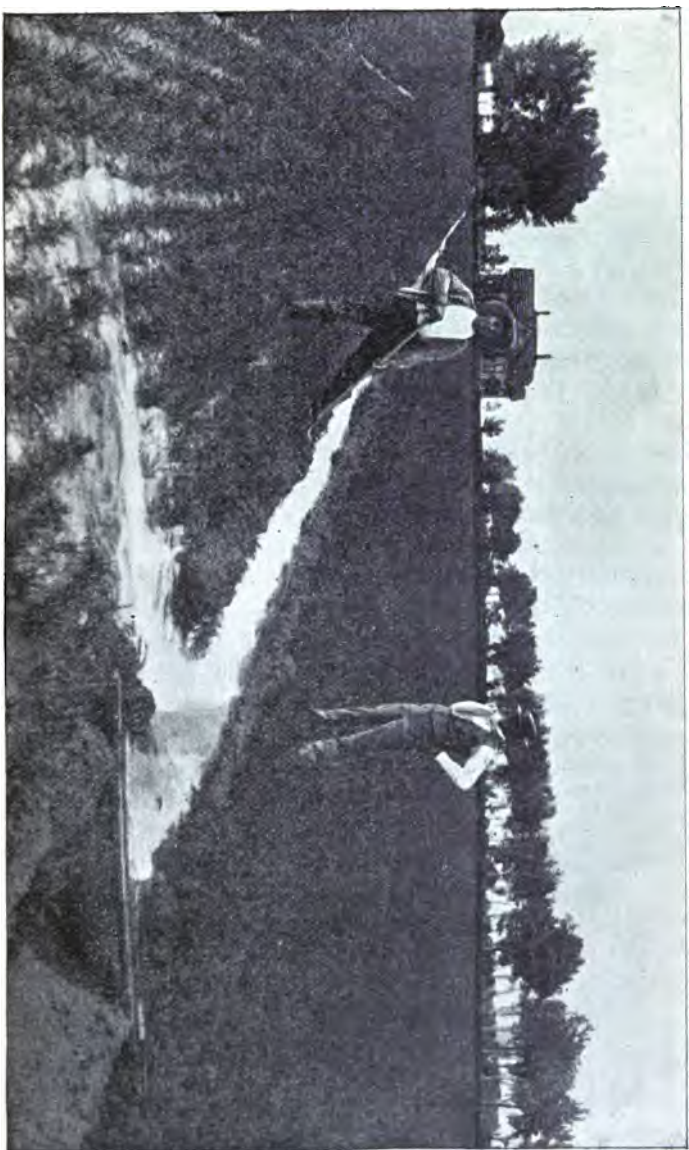
28. "The plains east of the mountains constitute about one-third of the total area, the remainder, in the middle, being mountains and parks, and the western, high mesa lands. The greater portion of the mesas can be cultivated if sufficient water can be brought over them for purposes of irrigation. The park and mountain region is, in general, too elevated for agriculture, but may be extensively util-

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<sup>1</sup> This was the third attempt at State government. The first was defeated by a vote of the people; the second by the veto of President Johnson.

<sup>2</sup> The Constitution of Colorado is among the longest of the State Constitutions. One excuse for the number of articles of the Constitution is, that Colorado has many separate and distinct sets of interests. Only a careful study of the instrument can reveal its excellence.

<sup>3</sup> The first State election was held in October, 1876; John L. Routt was elected governor. In November, Thomas M. Patterson was elected representative to Congress. The first General Assembly convened at Denver, Wednesday, November 1, 1876. On November 14th the General Assembly elected Jerome B. Chaffee and Henry M. Teller United States senators.



IRRIGATING A WHEAT FIELD.

ized for pasture ground for cattle, horses and sheep. The plains east of the mountains, which are all arable lands, can be made productive, and in a great many portions are producing large crops of cereals under systematic irrigation. Considerable portions of river and creek bottoms and uplands can be cultivated without irrigation. Sixteen thousand square miles of the State are covered by forests. The mineral lands located along the mountain slopes cover a large extent, although the aggregate of productive areas may not embrace many square miles. Four-fifths of the State has an elevation of 4000 to 10,000 feet. The lowest elevation on the eastern border is 3703 feet, and on the western 4435 feet. Along the foot-hills the average is 6500 feet. In the principal parks it ranges from 8000 to 9500 feet. The summit of the main range averages about 11,000 feet. Seventy-two peaks rise to heights ranging between 13,500 and 14,500 feet above the level of the sea. The highest mountain is Mount Blanca, which has an elevation of 14,483 feet."<sup>1</sup>

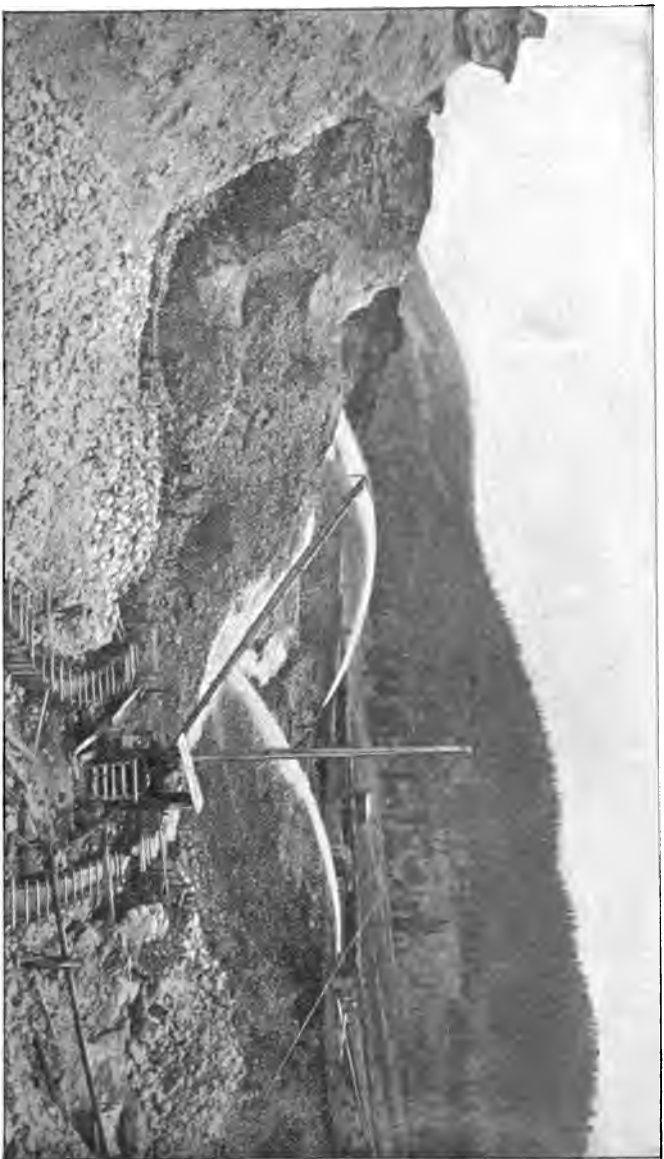
Because of the peculiar climatic conditions, the native grasses will nourish live-stock every month in the year. The live-stock industry is a source of great wealth; Colorado is peculiarly adapted to sheep-raising. The oil-fields of Colorado are among the most productive of any State in the Union; there are also mountains of iron, granite, marble and building stone, the value of which is unsurpassed. Zinc, lead and copper are plentiful.

Colorado leads the other States in the production of the precious metals—gold and silver; but the production of silver has been greatly reduced since the repeal of the silver-purchasing clause by Congress. Every quality of coal abounds in the State; in this respect Colorado is a second Pennsylvania. Owing to the fertility of the soil and the perfected system of irrigation, Colorado is

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<sup>1</sup> From an article prepared by Prof. P. H. Van Diest for *HALL'S History of Colorado*.





PLACER MINE, NEAR ALMA, COLORADO.

fast becoming a producer of the finest grains, fruits and vegetables. In no portion of the West is irrigation, the science of modern agriculture, better understood or more thoroughly developed than in Colorado.<sup>1</sup>

The natural scenery of this State is more varied, beautiful and wildly picturesque than that of any country in the world.

#### THE FUTURE OF THE STATE.

29. Since Colorado became a State in 1876, its history has been one of progressive development. The intelligence, the enterprise, and the moral earnestness of the people have imprinted the stamp of an advanced civilization on the character of the State. In accordance with the true American idea, the church accompanies the school. Vigorous churches of all denominations and an able ministry are keeping step with other forces which are rapidly telling for true stability and growth.

What shall be the future of our State? That future depends on the men and women, the boys and girls of to-day. It is they who make the State. Throughout the wide world there is no other land so full of opportunities as our own. We are free to make our institutions ideal in their perfection. But our civil institutions depend on the citizen for their strength and character. He makes the government in school district, county, State and Nation. His interests are entrusted to public servants of his own choosing. Upon him fall both the responsibilities and the blessings of free government.

At the fireside we hear the story of Washington and Lincoln; in school we learn of the making of the States

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<sup>1</sup> The following table is interesting:

Acres farmed by irrigation (1895) . . . . .	2,100,000
Value of products per irrigated acre . . . . .	\$14.
Value of products of irrigated lands . . . . .	\$29,000,000
Value of products of lands not irrigated . . . . .	\$1,500,000



**The Royal Gorge on the Arkansas River, Colorado.**

and of the Nation; we learn the nature of the State, its organization and its administration. We leave school, and enter upon the active duties of life; then our influence is for or against good government—we hinder or we promote the general welfare. Many years ago a child of five years became King of France. Until he was old enough to take upon himself the cares of his kingdom his guardians ruled in his name. On the day when he became of age his minister inquired of him, "Sire, to whom shall I now report?" "To me," replied the king, "I am the State." And in this country, when a youth enters upon his manhood years, he may well say, "I am the State. Its interests, its honor, its history, are mine also."

Popular government on a vast scale is for the first time on trial in this country. It is upon the individual citizens that its destiny depends. The work of good government is our work. "With malice toward none; with charity for all; with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in." And we may then confidently expect the blessings of Providence to rest upon the State of Colorado.

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#### PROMINENT EVENTS IN THE HISTORY OF COLORADO.

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- 1540. Expedition of Coronado.
- 1776. Expedition of Escalante.
- 1806. Discovery of Pike's Peak.
- 1806-7. Stockade built at Cañon City.
- 1820. Expedition of Col. Stephen H. Long.
- 1828. Fort William erected.
- 1840. Settlement made at Pueblo.
- 1842-3. Expedition of Col. John C. Fremont, the "Pathfinder," a preparation for the surveys of the Pacific Railroad.
- 1852. Gold discovered.

1858. Settlements made at St. Charles and Auraria.  
Arapahoe County organized.
1859. Golden, Colorado City, Boulder, and Russellville settled.  
Organization of Jefferson Territory.
1860. St. Charles and Auraria consolidated under the name of  
Denver.
1861. Territory of Colorado organized.
1862. Texan invasion repelled.
1864. Battle of Sand Creek.  
First Enabling Act passed by Congress.  
The Constitution formed under the authority of the first  
Enabling Act rejected by the people.
1865. Second Enabling Act passed by Congress and vetoed by  
President Johnson.
1875. Third Enabling Act passed by Congress. Approved by  
President Grant, March 3d.
- 1875-6. Constitutional Convention assembled December 20, 1875,  
and adjourned after a session of eighty-six days.
1876. Constitution approved by the people, July 1st.
1876. Proclamation of President Grant declaring Colorado a State  
of the Union, August 1st.

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#### REFERENCE BOOKS.

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The following list of books is appended for the use of those who desire to make an extended study of the history of Colorado :

- Hall's *History of Colorado*.  
Boyd's *History of Greeley and the Union Colony*.  
Bancroft's *Nevada, Colorado and Wyoming*.  
Corbett's *Legislative Manual*.  
Fossett's *Colorado*.  
Dana's *The Great West*.  
Ingersoll's *Crest of the Continent*.  
Ralph's *Our Great West*.  
Richardson's *Beyond the Mississippi*.  
Taylor's *Colorado*.  
Vickers' *History of Denver*.



THE GREAT SEAL OF THE STATE OF COLORADO.

## CHAPTER III.

### THE STATE GOVERNMENT.



**30. The Citizen.**—According to the provisions of the fourteenth amendment to the Constitution of the United States, "All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside." From this it follows, that citizens are either native born or naturalized. Hence, every person now residing in Colorado who fulfills either of these two conditions is a citizen of this State.

A citizen is a member of the community; he may or may not have the right to vote, but in either case he is protected by the government in his civil rights, and therefore owes allegiance to the State. The citizen's duty toward the State includes: (1) Unqualified obedience to the laws of the State; (2) A giving up of part of his means for the support of the government by paying taxes; (3) Support

of the government by force of arms should necessity require it.

**31. The Elector.**—An elector is a citizen who has the right of suffrage. The elector has all the obligations of the citizen, and in addition, he has the right of voting, which is a trust. The abuse of the right to vote is a menace to good government. To vote wisely and conscientiously is to promote the general welfare. The framers of our State Constitution did not give all citizens the right to vote, but provided safeguards for the right of the elective franchise.<sup>1</sup> At the general election in 1893, by the authority of the State Constitution, the right to vote at all elections, and to hold office, was extended to women.<sup>2</sup>

**32. Departments of the Government.**—The government of Colorado, like that of the other States, is vested in three departments—the Legislative, the Executive, and the Judicial—among which are distributed all powers which the people desire to have exercised by the government.<sup>3</sup>

### THE LEGISLATIVE DEPARTMENT.

**33. The Legislative Power.**—While the three departments—the law-making, law-explaining and law-enforcing—are necessary to the existence and continuance of the government, the legislative, or law-making, is of prime importance, for laws must be enacted before they can be explained and enforced. All the laws of the State of Colorado are made by the legislative department. The governor of the State participates in legislation when he approves or vetoes a bill. Any law which is not in harmony with the Constitution of the United States and with that of the State may be declared void by the judicial department.

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<sup>1</sup> See *Art. VII.* Since the Constitution is the source from which a knowledge of government is gained, it is constantly referred to in connection with the text.

<sup>2</sup> See *Art. VII. Sect. 2.*

<sup>3</sup> See *Art. III.*

The legislative power of Colorado is vested in a General Assembly, or Legislature, consisting of a Senate and a House of Representatives.<sup>1</sup>

**34. The General Assembly.**—Members of the General Assembly<sup>2</sup> are chosen by the electors at the general State

<sup>1</sup> See *Art. V. Sect. 1.*

<sup>2</sup> The Constitution originally provided that the General Assembly should consist of seventy-five members, *i. e.* twenty-six senators and forty-nine representatives, but it empowered the General Assembly to increase this number after the year 1890, provided that the aggregate number should never exceed one hundred (see *Art. V. Sect. 46*). Under this authority in 1891 the membership of the General Assembly was increased to one hundred, *viz.* thirty-five senators and sixty-five representatives, apportioned as follows:

**Senatorial Districts.**—First, Arapahoe county, 6 senators; second, Pueblo, 2; third, Douglas and El Paso, 2; fourth, Las Animas, 1; fifth, Boulder, 1; sixth, Lake, 1; seventh, Weld, 1; eighth, Jefferson, 1; ninth, Fremont, 1; tenth, Larimer, 1; eleventh, Pitkin, 1; twelfth, Clear Creek, 1; thirteenth, Rio Blanco, Routt, Grand, and Summit, 1; fourteenth, Costilla, Huerfano, and Custer, 1; fifteenth, Saguache, Rio Grande, Hinsdale, and Mineral, 1; sixteenth, Gunnison, Delta, and Mesa, 1; seventeenth, Montrose, San Miguel, and Dolores, 1; eighteenth, Ouray and San Juan, 1; nineteenth, La Plata and Montezuma, 1; twentieth, Chaffee and Park, 1; twenty-first, Garfield and Eagle, 1; twenty-second, Cheyenne, Lincoln, Kit Carson, Elbert, and Arapahoe, 1; twenty-third, Otero, Kiowa, Bent, Prowers, and Baca, 1; twenty-fourth, Archuleta and Conejos, 1; twenty-fifth, Sedgwick, Morgan, Logan, Washington, Yuma, and Phillips, 1; twenty-sixth, Gilpin, 1; twenty-seventh, Pueblo and Huerfano, 1; twenty-eighth, Park and Lake, 1.

**Representative Apportionment.**—Arapahoe county, 13; Pueblo, 4; El Paso, 3; Boulder, 3; Lake, Las Animas, and Weld, 2 each; Fremont, Chaffee, Clear Creek, Costilla, Conejos, Custer, Douglas, Eagle, Garfield, Gilpin, Gunnison, Huerfano, Jefferson, La Plata, Larimer, Mesa, Otero, Ouray, Park, Pitkin, Saguache, San Miguel, 1 each; Conejos and Archuleta, jointly 1; Hinsdale and San Juan, jointly 1; Kiowa, Baca, and Prowers, jointly 1; Las Animas and Bent, jointly 1; Dolores and Montezuma, jointly 1; Routt and Rio Blanco, jointly 1; Yuma, Morgan, and Washington, jointly 1; Logan, Sedgwick, and Phillips, jointly 1; Grand and Summit, jointly 1; Fre-



election on the first Tuesday after the first Monday in November of each even-numbered year (1896, '98), and serve, the representatives for two years and the senators for four years, from the first Wednesday of December after their election.<sup>1</sup> Should a vacancy occur in either house, a special election to fill the vacancy is ordered by the governor.<sup>2</sup>

The General Assembly meets in regular session, at 12 o'clock, noon, in the Capitol building, in Denver, on the first Wednesday of January following the election. The Constitution provides that no session of the General Assembly shall exceed ninety days. At the discretion of the governor, special sessions of the General Assembly may be convened on extraordinary occasions, and the Senate may be convened in special session by the governor for the transaction of executive business.<sup>3</sup>

Joint sessions, in which both houses unite and act as one, are held for the election of United States senator; for the determination of a contested election of a State officer; and for canvassing the vote for State officers.

The General Assembly elects two citizens to represent the State in the Senate of the United States, and for election purposes it divides the State into judicial, representative, senatorial and congressional districts.<sup>4</sup>

The laws enacted by the General Assembly deal with the subjects which concern the residents of the State both

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mont and Chaffee, jointly 1; Kit Carson and Cheyenne, jointly 1; Elbert and Lincoln, jointly 1; Montrose and Delta, jointly 1; Rio Grande and Mineral, jointly 1.

<sup>1</sup> For qualifications of members of the General Assembly see *Art. V. Sect. 4.*

<sup>2</sup> See *Art. V. Sect. 2.*

<sup>3</sup> See *Art. IV. Sect. 9.*

<sup>4</sup> There are two congressional districts in Colorado, as follows:

1. The counties of Larimer, Boulder, Weld, Morgan, Logan, Washington, Sedgwick, Phillips, Yuma, Arapahoe, Jefferson, Park, and Lake.

2. The remaining forty-three counties of the State.

in their relations to the State and to the community in which they live, and in their every-day actions and business relations with one another. They provide for the government of counties, cities, towns and school districts; for the organization and procedure of the courts; for the establishment and support of schools and benevolent institutions; for the prevention and punishment of crime; for the levying of taxes to defray the expenses of the State government; for the qualifications of electors and the conduct of elections; for the formation and regulation of railroad, manufacturing, mining, business and other corporations; for the legal relations of husband and wife and of parent and child; for buying and selling houses, lands and goods, and for the due fulfillment of all lawful contracts that may be made by residents of the State. It is seen, therefore, that the real function of State law is to guide, to restrain and to protect the citizen in most of his undertakings.<sup>1</sup>

**35. The House of Representatives.**—The number of members of the House of Representatives varied in the different legislatures until 1891, when the General Assembly fixed the number at sixty-five.<sup>2</sup> These are apportioned among the representative districts of the State, according to their population. Each member is chosen by the electors of the representative district in which he is elected.

The House of Representatives has the sole right to institute impeachment proceedings against State officers charged with misdemeanors<sup>3</sup> and to originate bills for raising revenue.<sup>4</sup>

**36. The Senate.**—The senatorial districts are made by combining counties, except in the case of counties having unusually large populations, when the county is made the district. This is the case with eleven counties. The number of senators in each district is determined by the popu-

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<sup>1</sup> See *Art. V.* for the provisions of the Constitution relating to the General Assembly.

<sup>2</sup> See note 2, page 30.

<sup>3</sup> See *Art. XIII. Sect. 1.*

<sup>4</sup> See *Art. V. Sect. 31.*



THE CAPITOL AT DENVER, COLORADO.

lation. In forming a district no county may be divided. In 1891 the State was divided by the General Assembly into twenty-eight senatorial districts.<sup>1</sup> Each senator is chosen by the electors of the senatorial district in which he is elected.

In every even-numbered year the terms of one-half of the senators expire and their successors are elected. By this provision of the Constitution, one-half of the senators are "hold-overs," or persons with legislative experience.

All cases of impeachment of State officers charged with crimes and misdemeanors in office are tried by the Senate.<sup>2</sup> Most of the appointments to office made by the governor require the consent of the Senate.

**37. Organization of the Two Houses.**—Each house elects its own officers, except that the lieutenant-governor is *ex-officio* president of the Senate. He is not a member of that body and votes only in case of a tie. The Senate elects one of its own members as president *pro tempore*, who acts as president when the lieutenant-governor is absent.

The presiding officer in the House is called the speaker, who votes as a member.

Among other officers and employes of each house are clerks, who have charge of bills; the sergeant-at-arms, who keeps order and compels the attendance of absent members, when so ordered by the house; the doorkeepers, who guard the doors; the chaplain, who opens the sessions with prayer; and the pages, who wait on members while the house is in session.

**38. Committees.**—An important part of the legislative work is done by committees. The usual subjects of State legislation fall into about thirty classes or groups; such as judiciary, finance, ways and means, railroads, education, federal relations, etc.

Committees having charge of these subjects are called

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<sup>1</sup> See note 2, page 30.

<sup>2</sup> See *Art. XIII. Sect. 1.*

standing committees, because they have charge of a given class of subjects during the entire session. The committees are formed early in the session, by election in the Senate and by appointment by the speaker in the House.

A committee of conference is appointed in each house when differences arise between the two houses. The business of a committee of conference is to endeavor to harmonize these differences.

There are also special committees appointed when necessary, which have particular subjects or bills referred to them for a special report.

The committees exercise a guiding influence in legislation by deciding what bills are worthy of serious consideration by the members. The work of the various committees in examining, and either approving, modifying or rejecting the different bills, greatly facilitates the transaction of business by the General Assembly, which usually acquiesces in the conclusions of its committees.<sup>1</sup>

**39. How Laws are Made.**—The method of making laws by the General Assembly of Colorado is essentially the same as by the Congress of the United States.<sup>2</sup>

All proposed laws, except for raising revenue, may originate in either house in the form of bills. No bill may be amended or changed during its passage so as to alter its original purpose. A bill on being introduced into either

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<sup>1</sup> Should either house desire that any matter should be considered by the whole house rather than by a committee, the house sits as a "committee of the whole." When so sitting the discussion is more informal than in the regular sessions of the house and is not restricted by the rules which apply to the regular sessions. When sitting as the committee of the whole, the house is presided over by a chairman appointed by the regular presiding officer, to serve for that occasion only, and matters are considered as they would be by a committee, rather than as they would be considered in a regular session of the house. The committee of the whole hears and considers bills on their second reading.

<sup>2</sup> See Art. V. Sects. 17-23.

house must be read by title and referred to the appropriate committee; after its return from the committee it is printed, and must be read at length on two different days. If a bill is materially amended it is ordered reprinted. When any changes or amendments to a bill are made in the other house the bill must be returned for approval to the house in which it originated. Before a bill is declared passed, it must have a majority vote of all the members of each house; the final vote on the bill must be taken by the *ayes* and *noes*, and the names of those voting, and how they voted, be entered on the journal.

Every bill passed by both houses is signed by the speaker of the House, and by the president of the Senate in the presence of the members, and is then sent to the governor. If he signs the bill, it becomes a law, and is filed with the secretary of State for safe-keeping. If the governor does not approve of the bill he vetoes it, that is, he returns it to the house in which it originated with his reasons for objecting to it. If both houses re-pass the bill by a two-thirds vote of all the members, it becomes a law without the approval of the governor. If the governor fails either to sign or to return the bill within ten days after it has been presented to him, it becomes a law unless the General Assembly, by adjourning, prevent its return, in which case it becomes a law unless the governor files the bill, with his objections, in the office of the secretary of State within thirty days after the adjournment of the General Assembly.<sup>1</sup>

The Constitution provides that the governor may veto any item or items of a bill making appropriations of money, when the bill embraces distinct items; the items disapproved are void unless reconsidered and passed in the manner of passing bills over the executive veto.

A law does not go into effect until ninety days after its

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<sup>1</sup> See *Art. V. Sects. 17-23, Art. IV. Sect. 11. and Art. V. Sect. 39.*

passage, unless there is an "emergency clause," which must be voted on separately, and be approved by a two-thirds vote.<sup>1</sup> Authority is given the secretary of State to collect and have the statutes published. State, district, county and precinct officers are provided with these printed laws gratuitously.

**40. Restrictions on Law-making.**—There is a constantly increasing tendency on the part of General Assemblies to legislate on a multiplicity of subjects. This disposition on the part of a legislature prompted the framers of our Constitution to hedge the General Assembly with many limitations. These limitations supplement the restrictions on State legislation found in the Constitution of the United States. The "Bill of Rights" prohibits the General Assembly from disturbing the individual in the right of "life, liberty and the pursuit of happiness."<sup>2</sup> Probably the chief reason for so many restrictions being placed around the General Assembly is because responsibility for vicious or special legislation is not easily fastened upon individual members.<sup>3</sup> These restrictions, together with the check which each house exercises upon the other, and the executive veto, materially restrain and circumscribe the legislative power.

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<sup>1</sup> See *Art. V. Sect. 19.*

<sup>2</sup> See *Art. II.* The "Bill of Rights" enumerated in the United States Constitution (the first ten amendments) is repeated in most of the State Constitutions, since it is held that the limitations in these matters in the Federal Constitution apply only to the Federal government and not to the State governments.

<sup>3</sup> Great pressure is brought to bear upon members of the legislature to pass bills favorable to certain localities, individuals or special interests; hence, constitutional limitations prohibiting such legislation are a protection to members against undue solicitation in behalf of selfish or local ends. For the specific restrictions on legislative action, see *Art. V.*

### THE EXECUTIVE DEPARTMENT.

**41. The Executive Department** consists of seven officers: the governor, the lieutenant-governor, the secretary of State, the State auditor, the State treasurer, the attorney-general and the superintendent of public instruction.<sup>1</sup> All these officers are elected by popular vote at the general State election, held in even-numbered years. They hold their offices for two years from the second Tuesday in January after their election;<sup>2</sup> their compensation is fixed by law and cannot be increased or diminished during the term for which they are elected. The scope and authority of each of the State officers are carefully defined. The executive officers, with the exception of the lieutenant-governor, are required to reside at the State capital.

**42. The Governor** is the supreme executive officer. As chief executive, it is his duty to see that the laws are faithfully executed and to preserve peace and order. He is commander-in-chief of the militia of the State except when it is engaged in the service of the United States; with the consent of the Senate, he appoints the principal officers of the State that are not elected by the people, and the members of the boards of the various State institutions<sup>3</sup> except the regents of the State University. He has power to remove any person whom he appoints "for incompetency, neglect of duty or malfeasance in office." He is empowered, under certain restrictions, to fill vacancies that may occur in office.<sup>4</sup> When occasion requires he issues writs for special elections. He may demand fugitives from justice in this State from the executive of any other State, and upon the requisition of the governor of another State may issue warrants for the arrest

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<sup>1</sup> For the qualifications of State officers see *Art. IV. Sect. 4.*

<sup>2</sup> See *Art. IV. Sect. 1.* For salaries of State officers see Appendix, page 150.

<sup>3</sup> See page 44.

<sup>4</sup> See *Art. IV. Sect. 6.*



of fugitives found in this State. On the recommendation of the board of pardons<sup>1</sup> he may grant pardons, reprieves, and commutations for crimes except in cases of treason and impeachment. The board of pardons is simply an advisory board.

In legislation it is the duty of the governor to transmit to the General Assembly, by message, information concerning the condition of the State, and to indicate a general policy of legislation by recommending such measures as he may deem expedient; he convenes extra sessions of the General Assembly when necessary and has the power to adjourn the General Assembly if the two houses cannot agree as to the time of adjournment; he examines all bills submitted to him by the legislature, signs those which he approves and either allows the others to become laws without his signature or vetoes and returns them to the house in which they originated.

The power which the governor holds in relation to the legislative and judicial departments of the government belongs to him peculiarly as chief executive of the State.<sup>2</sup>

**43. The Lieutenant-Governor.**—The Constitution provides that in case the governor, for any cause or disability shall be removed, the duties of the office shall devolve upon the lieutenant-governor. In case of the disability of the lieutenant-governor, the duties of the office devolve upon the president *pro tempore* of the Senate, and after him, upon the speaker of the House. The lieutenant-governor is *ex officio* the president of the Senate.<sup>3</sup> He is not a member of the Senate and votes only in case of a tie.

**44. The Secretary of State.**—Chief among the duties of the secretary of State is the preservation of State records. All public records, reports, laws and resolutions are enrolled in his office. He publishes the laws and jour-

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<sup>1</sup> See § 6, page 44.

<sup>2</sup> See Art. IV. Sects. 5-12.

<sup>3</sup> See Art. IV. Sects. 13-15.

nals of the General Assembly, proposed amendments to the Constitution, and the reports of State officers and boards; he gives notice to the county clerks of State and National elections, of the offices to be filled, and the names of the various nominees certified to him; he receives the election returns for all offices higher than the county; the returns for executive State officers he transmits to the General Assembly and the others to the State board of canvassers; at the direction of the State canvassing board issues certificates of election; he submits to the decision of the electors all proposed amendments to the Constitution; he attests all proclamations, commissions and other documents issued by the governor, and as evidence of their authority, stamps them with the great seal<sup>1</sup> of the State, of which he is the custodian; he is the purchasing agent and custodian of all stationery and supplies for the General Assembly and State officials; he has charge of the Capitol building; he issues and keeps a record of the charters of corporations, such as railroad, telegraph, telephone, manufacturing and banking companies, colleges, and of private corporations organized for business or for charitable or social purposes; and he conducts all official communications with other States and with the United States.

**45. The State Auditor** issues warrants or orders on the State treasurer for the payment of salaries of State officers, members of the General Assembly, clerks and other employes in State offices, and for all moneys authorized by law to be paid by the State treasurer; he makes a semi-annual report to the superintendent of public instruction of the amount of the State school fund, and after this has been apportioned by the superintendent of public instruction among the various counties of the State, the State auditor issues warrants on the

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<sup>1</sup> See page 28.

State treasurer for the payment of the same to the various county treasurers; he issues certificates to insurance companies authorizing them to transact business in the State and has general supervision of their business; he may revoke the certificate should a company violate any of the insurance laws of the State. No person may serve as State auditor for two consecutive terms.

**46. The State Treasurer** receives and keeps in charge all money belonging to the State not otherwise provided for, and pays out the same upon warrants issued by the State auditor; he countersigns and keeps a record of all warrants issued by the State auditor; he makes daily and monthly reports to the State auditor of the money received and paid out, and the warrants registered by him; he is required by law to publish a quarterly report of all moneys received by him, of the places wherein the money is deposited and the number and amount of every warrant paid by him during the preceding three months; he keeps a separate account of each fund in his charge. His books are subject to examination by a committee appointed by the governor; he is authorized to loan the money of the State, for the benefit of the State, at the highest rate of interest he can obtain with satisfactory security. No person may serve as State treasurer for two consecutive terms.

**47. The Attorney-General** is the law officer of the State. It is his duty to defend the State in all suits that may be brought against it, and to prosecute in the proper court any claims made by the State against any person, corporation, other State, or the government of the United States; he is also required to give official opinions upon legal questions submitted by the governor, the heads of the State departments and various other officers throughout the State on matters relating to their respective offices.

**48. The Superintendent of Public Instruction** has general supervision of the public schools of the State; he

counsels with county superintendents and other school officers and persons in matters involving the welfare of the schools; his decisions touching the school laws are final until set aside by legal authority or by legislation; he furnishes county superintendents with lists of questions to be used in examining persons who desire to become teachers in the public schools, and prescribes regulations concerning their use, in order to make the examinations uniform throughout the State; he apportions the public school income fund among the various counties; he furnishes blanks and forms for the use of subordinate officers and teachers; he compiles and distributes the State school laws; he makes a biennial report setting forth the condition of the schools, with suggestions concerning their improvement; he is *ex officio* a member of the State land board, State librarian, a trustee of the State normal school and one of the examiners of its candidates for graduation.

#### **49. Administrative Boards and Appointed Officers.**

—A number of State boards have been created from time to time, for the performance of particular duties. These boards and officers are as follows:

##### **EX-OFFICIO BOARDS.**

1. **The State Board of Canvassers** (governor, secretary of State, treasurer, auditor and attorney-general) canvasses the election returns for the election of all National officers voted for in the State, also the vote for all officers above the county excepting the executive officers of the State.<sup>1</sup>

2. **The State Board of Education** (superintendent of public instruction, secretary of State, and attorney-general) makes regulations for the government of the public schools, grants State diplomas which are good for life, to all persons recommended by the State board of examiners, and hears appeals from the decis-

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<sup>1</sup> The General Assembly canvasses the election returns for the executive officers of the State.

ions of county superintendents. There is no appeal from the decision of this board.

**3. The State Board of Equalization** (governor, secretary of State, treasurer, auditor and attorney-general) equalizes assessment of property made in the several counties of the State, by adding to or subtracting from the assessment in each county such a percentage as may be necessary to secure a uniform rate of assessment throughout the State, but it has no power to increase or decrease the total valuation for the State as returned by the assessors.

It is also the duty of this board to assess the telephone, telegraph and railroad lines of the State for the purpose of taxation, and to make a report of the same to the county clerks of the various counties of the State.

**4. The State Board of Land Commissioners** (governor, secretary of State, superintendent of public instruction and the attorney-general) has charge of all the lands belonging to the State, selects and surveys lands granted by the United States, prepares maps of the same, and has power to lease and sell the school-lands.

**5. The State Board of Examiners** (composed of such persons as the superintendent of public instruction, the presidents of the State University, the State School of Mines, the Agricultural College, and the State Normal School may appoint) prepares examination questions, conducts State examinations of teachers and recommends to the State board of education applicants worthy to receive State diplomas.

#### OTHER STATE BOARDS.<sup>1</sup>

**1. The State Veterinary Sanitary Board.**—The duty of this board is to make and enforce such measures as will prevent the introduction and spread of infectious and contagious diseases among stock.

**2. The State Board of Inspection.**—In order to prevent the illegal slaughtering or shipping of cattle, this board appoints and locates cattle inspectors and furnishes them with lists of the various brands registered with the secretary of State.

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<sup>1</sup> The members of the various State boards and bureaus are appointed by the governor with the approval of the Senate, except when otherwise indicated.

**3. The State Board of Agriculture.**—This board is composed of the governor of the State, the president of the Agricultural College and eight other persons.

The purpose of this board is to promote the general interests of agriculture in the State. This work is done in connection with that of the Agricultural College.

**4. The State Board of Horticulture** consists of six members appointed by the governor. It has for its object the promotion of horticulture, pomology, arboriculture and floriculture.<sup>1</sup>

**5. The Board of Charities and Corrections** consists of the governor and six other members appointed by him. It has power to investigate and make suggestions concerning jails, penitentiaries, reformatories, reform schools, infirmaries, hospitals and asylums, wholly or in part supported by the State or its subdivisions.

**6. The State Board of Pardons** is composed of the governor and five other members appointed by him. It is the duty of this board to investigate all applications for executive clemency, and to lay the facts before the governor with its recommendation as to what action should be taken.

**7. The Colorado Historical Society** is an organization semi-official in character, which has a room assigned to it in the Capitol building, and part of its expenses paid by the State. It has for its object the collection of papers and documents which bear on the history of the West in general and of Colorado in particular.

**8. Other State Boards.**—The duties of the State board of medical examiners, the State board of health, the State board of pharmacy, the bureau of mines, the coal mine inspector, the State board of arbitration, and the State board of dental examiners are indicated by their titles.

#### THE BOARDS OF STATE INSTITUTIONS.

1. The public institutions of the State are the University of Colorado at Boulder, the State Agricultural College at Fort Collins, the State School of Mines at Golden, the State Normal School at Greeley, the School for the Deaf and the Blind at Colorado Springs, the

<sup>1</sup> On the petition of fifteen owners of orchards the county commissioners of any county may appoint a county board of horticulture; this board consists of three persons and is auxiliary to the State board.

State Industrial School at Golden, the State Home and Industrial School for Girls and the State Home for Dependent and Neglected Children at Denver, the State Penitentiary at Cañon City, the Colorado State Reformatory at Buena Vista, the Soldiers' and Sailors' Home at Monte Vista, and the Asylum for the Insane at Pueblo.

For the management of each of these institutions a board of trustees is appointed by the governor, usually with the consent of the Senate, except in the case of the State university, which is under the supervision of "The Regents of the University of Colorado," a board of six members, elected by the voters of the State.

The State Capitol is located at Denver. Its erection is under the direction of a board of Capitol managers.

#### ADMINISTRATIVE OFFICERS.

1. The State veterinary surgeon, the State geologist, the State game and fish warden and the dairy commissioner are appointed by the governor. The State measurer of printing and the deputy commissioner of labor statistics are appointed by the secretary of State; the deputy State librarian by the superintendent of public instruction; and the deputy superintendent of insurance by the State auditor. The duties of these officers are indicated by their titles.

2. **The State Engineer and His Subordinates.**—There are six water divisions<sup>1</sup> in the State, for each of which a superintendent of irrigation is appointed at the request of the county commissioners of any county in the division. He sees that the laws relating to the distribution of water are complied with, and he receives and transmits the reports of water commissioners to the State engineer.

The water divisions for irrigating purposes are subdivided into water districts, and the governor appoints a water commissioner for each district. The commissioner divides the water among the ditches according to priority of right. The laws are very stringent in regard to the use of water. The commissioner has power to arrest any person violating his regulations.

The State engineer has supervision of the water commission-

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<sup>1</sup> These divisions are: 1. South Platte division. 2. Arkansas division. 3. Rio Grande division. 4. San Juan division. 5. Grand River division. 6. Green River division.

ers and superintendents of irrigation, and prescribes regulations governing their duties. He surveys and locates State roads, bridges, ditches and reservoirs.

#### NOTARIES PUBLIC.

The governor may appoint as many notaries as he thinks necessary. A notary is empowered to administer oaths, attest signatures and take depositions and acknowledgments of documents. All such papers, when attested by a notary, are admitted by the courts as legal evidence.

**50. The Militia.**—All able-bodied male citizens of the State between the ages of eighteen and forty-five years, who are not exempted by law, belong to the *enrolled* militia, but they are not called upon to perform military duty unless when in case of war, rebellion, or invasion, a sufficient number of volunteers cannot be had. The *organized* militia is known as the National Guard of the State, and is composed of volunteers from the enrolled militia; the National Guard is uniformed, armed, and equipped at the expense of the State, and is drilled in conformity with the system employed in the United States army.<sup>1</sup>

It is the duty of the National Guard to respond to any call from the governor to aid in suppressing riots, mobs and tumults.<sup>2</sup> The National Guard at such times is the preserver of peace and good order.<sup>3</sup>

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<sup>1</sup> See *Art. XVII.*

<sup>2</sup> See § 69, page 63.

<sup>3</sup> In 1895 the National Guard consisted of one brigade numbering 833 men, including officers. The authorized strength of the national guard is 2861 men, including officers. There are 85,000 persons in the State liable to military duty.



## THE JUDICIAL DEPARTMENT.

**51. The Judicial Power** of the State is vested in the supreme court and in the court of appeals in the State; in the district courts in the judicial districts; in the probate or county courts in the counties; in the police or municipal courts in the cities; in the justices' courts in the precincts; and in such other courts as may be created by the General Assembly.<sup>1</sup> All courts except the police courts and the justices' courts are known as "courts of record."<sup>2</sup>

**52. The Supreme Court** consists of three judges chosen by the electors of the State to serve for nine years and until their successors are elected and qualified. The judge longest in service is the chief-justice.<sup>3</sup> In case of a vacancy in the supreme court the governor appoints a judge to fill the vacancy. Three terms of the supreme court are held annually at Denver.

The supreme court is authorized to issue various writs, and to hear and determine them, for the purpose of correcting abuses and preventing violations of the law. In these cases it decides only on matters of law; matters of fact are referred to a lower court and are tried by a jury.

The jurisdiction of the supreme court extends over the entire State and is both *original* and *appellate*.<sup>4</sup> The

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<sup>1</sup> See Art. VI. Sects. 1, 24.

<sup>2</sup> The local courts are described in this chapter in order to give a view of the judicial system as a whole.

<sup>3</sup> For the qualifications of a judge of the supreme court, see Art. VI. Sect. 10.

<sup>4</sup> By the jurisdiction of a court is meant its authority to hear and decide cases brought before it. The jurisdiction of a court may be either original, appellate, exclusive or concurrent.

By the *original* jurisdiction of a court is meant its authority to hear and decide cases which originate or are first brought to trial in that court. By the *appellate* jurisdiction of a court is meant its authority to hear and decide cases that have been previously tried in a lower court, and which have been appealed to a higher court for further trial. If

original jurisdiction of the supreme court is its power to decide cases that have not previously been tried by a lower court; it is exercised in cases of *habeas corpus* or cases in which persons confined or imprisoned petition the court to decide whether their imprisonment is lawful;<sup>1</sup> in cases commanding a lower court, a corporation, or an individual to perform some particular act; in cases when the election of any person to the office of judge of the supreme, the district or the county court, or of presidential elector is contested; and in cases in which the constitutionality of any law enacted by the General Assembly is questioned. The supreme court is required to give its opinion on important questions on solemn occasions, when requested either by the governor, the House of Representatives or the Senate.

The jurisdiction of the supreme court is chiefly appellate, which is its power to decide cases that have been tried by a lower court and have been appealed to it for final decision. When a case is appealed to the supreme court it is usually on the ground of reasonable evidence of error in the interpretation or application of the law in the previous trial by the lower court. As it is a question of law which is to be decided, a jury is not required. The evidence given in the lower court and a record of the case are submitted to the court in printed form. The opinion of a majority of the judges forms the opinion or decision of the court, which is final, unless the court should reverse its opinion, or unless the case involves the Constitution and

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the law provides that certain classes of suits may be tried only in a certain court, then that court has *exclusive* jurisdiction in such cases; if the suits may be begun in any one of two or more courts, then those courts have *concurrent* jurisdiction.

A court has *final* jurisdiction when an appeal from its decisions may not be taken to a higher court.

<sup>1</sup> Each judge of the supreme court has the power to issue writs of *habeas corpus*.

laws of the United States, when it may be appealed to the United States courts. The decision of the supreme court either sustains the decision, modifies it, or affirms the error and sends the case back to the lower court for another trial. The decisions of the supreme court are the unwritten laws, and are the precedents for subsequent decisions by both the supreme court and the lower courts.

The judges of the supreme court appoint a reporter who publishes the decisions of the court, and a clerk who attends to the clerical work of the court;<sup>1</sup> they also appoint a committee of three lawyers in each judicial district to examine applicants for a license to practice law. On a favorable recommendation from this committee the court issues a license to the applicant. The clerk of the supreme court keeps a complete list of all the lawyers in the State.<sup>2</sup>

**53. The Court of Appeals.**—This court was created by the General Assembly in 1891. It was established to relieve the supreme court, which constantly had more cases on its docket than could be disposed of promptly. The court consists of three judges appointed by the governor to serve for six years. Their terms of service are so arranged that one judge is appointed every second year. The judge longest in service is the president of the court. Should a vacancy occur in the court of appeals, the governor appoints a judge to fill the vacancy. The terms of this court are held at the same time as the terms of the supreme court.<sup>3</sup>

This court has jurisdiction to review the judgments of inferior courts in all civil cases and in all criminal cases not capital. It has jurisdiction, not final, in cases where the controversy involves a franchise or freehold, or where the construction of the Constitution of the State or of the

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<sup>1</sup> See § 60, page 53.

<sup>2</sup> See *Art. VI. Sects. 2-10.*

<sup>3</sup> The judges of the court of appeals are required to have the same qualification as judges of the supreme court.

United States is involved. It has final jurisdiction in civil cases when the amount involved is two thousand five hundred dollars or less. Provision is made for the publication of the decisions of this court.

**54. The District Courts.**—The State was originally divided by the Constitution into four judicial districts. The General Assembly has since increased the number to thirteen.<sup>1</sup> In each district at least one judge is elected by the voters to serve for six years.<sup>2</sup> Should a vacancy occur in the district court, the governor appoints a judge to fill the vacancy. At least one term of the district court is held each year in each county of each judicial district. Special terms may be held at the option of the judge.<sup>3</sup>

Both civil and criminal cases are tried in the district courts. These courts have original jurisdiction in all cases, and appellate jurisdiction in cases appealed from the county courts.<sup>4</sup>

**55. The County Courts.**—The Constitution makes provision for the establishment of probate courts by requiring that in each county there shall be elected a probate judge to serve for three years.<sup>5</sup> The chief work of the court consists in supervising the settlements of the estates of

<sup>1</sup> The following are the judicial districts, with number of judges: 1. Clear Cr  ek, Gilpin, Jefferson and Grand counties. 2. Arapahoe county, five judges. 3. Las Animas, Huerfano, Prowers, Bent and Baca. 4. Douglas, Elbert, El Paso, Cheyenne, Lincoln and Kit Carson, two judges. 5. Lake, Summit and Eagle. 6. La Plata, San Juan, Archuleta, Dolores and Montezuma. 7. Delta, Mesa, Montrose, Gunnison, Ouray, San Miguel and Hinsdale. 8. Boulder, Weld, Larimer, and Morgan. 9. Pitkin, Garfield, Routt and Rio Blanco. 10. Pueblo, Kiowa and Otero, two judges. 11. Fremont, Chaffee, Custer and Park. 12. Conejos, Rio Grande, Saguache, Mineral and Costilla. 13. Washington, Yuma, Sedgwick, Phillips and Logan. All districts except the second, fourth and tenth have one judge each.

<sup>2</sup> For the qualifications of a district judge, see *Art. VI. Sect. 16.*

<sup>3</sup> See *Art. VI. Sects. 11-20.*

<sup>4</sup> See *Art. VI. Sect. 11.*

<sup>5</sup> For the qualifications of a county judge, see *Art. XIV. Sect. 10.*

deceased persons, and in appointing guardians for children and incompetent persons.<sup>1</sup>

The county court has original jurisdiction in divorce cases; in civil cases, when the amount involved does not exceed two thousand dollars; in misdemeanor cases; and in the contested election of all precinct and county officers, except county judge. The appellate jurisdiction of the county court consists in hearing appeals from the justices' courts and the police courts. In a suit before the county court either party may demand a jury.<sup>2</sup> An appeal may be taken from the decision of the county court to the district court or to the supreme court. Should a vacancy occur in the office of county judge, the county commissioners appoint a judge to fill the vacancy.

In 1883 the General Assembly established county criminal courts in Arapahoe, Pueblo and Lake counties. This action was repealed in 1891.<sup>3</sup>

**56. Police Courts.**—In cities of the first class <sup>4</sup> the council elects a police magistrate, who holds a municipal court known as a police court; in cities of the second class the police magistrate is elected by the voters. In cities of more than fifty thousand inhabitants the governor, with the consent of the Senate, appoints the police judge. In incorporated towns the police magistrate is appointed by the town trustees. The police court has jurisdiction in all cases arising under the city ordinances. An appeal from the decision of the police court may be taken to the county court.

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<sup>1</sup> When a person dies without leaving a will, it is the duty of the probate court to appoint an administrator to settle the estate and to distribute the property as the law directs. All the transactions of the administrator must be examined and approved by the court. When a person dies leaving a will disposing of his property, the will must be submitted to the probate court for decision as to its legality and genuineness; if approved, it is recorded, and it becomes the duty of the court to see that its provisions are strictly carried out.

<sup>2</sup> See *Art. VI. Sects. 22, 23.*

<sup>3</sup> See *Art. VI. Sect. 24.*

<sup>4</sup> See § 85, page 68.

**57. Justices' Courts.**—The humblest court in the land, the court upon which all other courts are founded, and the court of greatest antiquity, is the justice's court.

The county is divided by the county commissioners into various precincts, called justices' precincts. In these precincts a justice of the peace and a constable are elected every year. The term of office is two years. By this arrangement each precinct has two justices and two constables.<sup>1</sup> Justices of the peace have jurisdiction in civil cases in which the amount in dispute does not exceed three hundred dollars, except when the boundaries or the title to land are in question, in which case they have no jurisdiction. They are authorized to hear and determine cases of misdemeanors and minor violations, such as assault and battery and petit larceny. They act also as examining magistrates to determine whether persons arrested, charged with serious crime, shall be held for trial in a higher court. If, on the examination of witnesses there is found evidence of guilt, the case is sent to the district court for trial and the accused person may be released on giving bail or security to appear in court when summoned. If the crime is one which is not bailable, such as murder, or if the accused person fails to give satisfactory security to appear in court when summoned, he is sent to the county jail, where he remains until the case is tried, unless he is released on a writ of *habeas corpus*.<sup>2</sup>

A jury, usually of six men,<sup>3</sup> is summoned by the constable on the writ of the justice of the peace, when either party to a suit demands a jury. A change of venue may

<sup>1</sup> In 1891 the General Assembly enacted a law which provides that in precincts having a population of more than 20,000 the county commissioners may appoint one additional justice and constable for each 20,000 inhabitants. (See *Art. XIV. Sect. 11.*)

<sup>2</sup> A writ of *habeas corpus* is an order issued by a judge directing that the accused person be brought into court, that the cause of his imprisonment may be inquired into.

<sup>3</sup> The jury may consist of from three to twelve men.

be taken to the court of the nearest justice.<sup>1</sup> An appeal may be taken from the decision of the justice's court to the county court. The justice of the peace is empowered to issue warrants, to solemnize marriages, to administer oaths, and to attest signatures. In case there is no coroner or in case of the disability of the coroner, the justice acts in that capacity when inquests are to be held.

**58. The Constable** has authority to serve writs and notices; to make arrests when armed with proper warrants; and to make arrests without a warrant when a breach of the peace is committed, or a law violated in his presence, or when the person is a known criminal.

**59. Executive Officers of the Courts.**—The executive officer of the supreme court and of the court of appeals, called the bailiff, is appointed by each of these courts. The county sheriff is the executive officer of the county and district courts; the constable is the executive officer of the justice's court; and a policeman or the city marshal is the executive officer of the police courts. These officers execute the orders of the courts and have charge of juries and prisoners.

**60. Clerks of the Courts.**—In all courts of record<sup>2</sup> and in police courts in cities of fifty thousand inhabitants, a clerk is appointed by the court.<sup>3</sup>

The clerks of the courts attend the sessions of the courts and make a record of their proceedings; they issue *subpoenas* or notices calling into court such persons as the judges may direct to be present; they call jurors and witnesses before the court and administer the oath to them; they have charge of all papers and documents; and when directed by the court, they issue writs in its name and affix its seal.

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<sup>1</sup> To procure a change of venue, a party to a suit must make an affidavit that he believes the justice before whom the suit is brought is prejudiced against him.

<sup>2</sup> See § 51, page 47.

<sup>3</sup> There is a clerk of the district court in each county of the judicial district.

**61. Attorneys.**—Attorneys-at-law are, in a certain sense, officers of the courts, because they are admitted to practice in the courts of the State by the supreme court; they must have a good moral character and a legal education. Attorneys are employed to conduct civil and criminal cases for the parties concerned in any suit. The attorney-general represents and appears for the people in the supreme court and in the court of appeals; the city attorney in the police court; the county attorney in the county and lower courts; and the district attorney in the district court.

**The County Attorney** acts for the county in all suits at law to which it is a party. He is required to give his opinion in writing, at the request of county officers, on matters relating to the duties of their respective offices. He is appointed in each county by the county commissioners.

**The District Attorney.**—Every third year a district attorney<sup>1</sup> is elected by the people in every judicial district of the State. He must be at least twenty-five years of age and possess the other qualifications of the district judge.

The district attorney appears in behalf of the State and of the several counties of his district in all indictments, suits and proceedings which may be pending in the district court in any county within his district, wherein the State, or the people thereof, or of any county of his district may be a party. He appears at all inquests held in his district and at preliminary hearings when felony<sup>2</sup> is charged.<sup>3</sup>

**62. Trial by Jury.**—The county commissioners furnish

<sup>1</sup> See Art. VI. Sect. 21.

<sup>2</sup> In Colorado a felony is a crime the punishment for which is imprisonment in the penitentiary. A misdemeanor is a breach of the peace or a violation of law, the punishment for which is a fine or a short imprisonment.

<sup>3</sup> The district attorney performs the duties of county attorney for any county in his district that may be without a county attorney.



the clerk of the district court with a list of names from which he chooses jurors.<sup>1</sup> Persons selected as jurors must serve, unless excused by the judge. Jurors and witnesses are entitled to pay for their time; they also receive mileage.

Criminal cases are usually brought before the district court for trial by action of the grand jury, which is a body of twelve men. The grand jury hears the charges made against any person accused of crime, and if nine or more grand jurors believe that the evidence is sufficient to convict, an indictment or true bill is rendered and the accused person is brought before the court for trial<sup>2</sup> before a petit jury of twelve persons.<sup>3</sup> The grand jury is advised

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<sup>1</sup> All male inhabitants of this State of twenty-one or more years of age, who are citizens of the United States or have declared their intention of becoming such citizens, and who have not been convicted of felony, are competent to serve as grand and petit jurors.

<sup>2</sup> An accused person may also be brought before the court for trial on information of the district attorney, or as the result of a hearing before a justice of the peace.

<sup>3</sup> A crime is a violation of law. The State enacts all the laws, hence a crime is regarded as committed against the State. All prosecutions are carried on in the name and by the authority of "The People of the State of Colorado," and conclude "Against the peace and dignity of the same."

The State brings the suit against the person charged with the crime. The State is the plaintiff and the accused person is the defendant.

In a criminal suit the purpose of the trial is to determine the facts in the case, so that the decision of the judge rests upon the verdict of the petit jury.

In selecting the names from the jurors presented to the court each side may challenge any number for cause, the court always determining whether the cause be a sufficient reason for excusing the juror from serving in the case. In addition to the challenges for cause, each side has a certain number of peremptory challenges.

After the jury has been empanelled and sworn to render a decision according to the evidence, the prosecuting attorney presents the case before the jury and submits the evidence by which he intends to support the charge.

The attorney for the defendant then states his case and submits the

by the district and the county attorneys; its sessions are secret and it hears no defense of accused persons.<sup>1</sup>

**63. Trial by Impeachment.**—The Constitution provides for another form of trial in cases of impeachment.

The governor, and all other State and judicial officers, excepting county judges and justices of the peace, are liable to impeachment for high crimes or misdemeanors, or for malfeasance in office. It requires the concurrence of a majority of all the members of the House of Representatives to impeach an officer. Impeachments are tried by the Senate; a two-thirds vote of the whole number of senators is required to convict an impeached officer.

Upon conviction, the Senate can only remove the party from office and disqualify him from holding any office in

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evidence in defense of the accused. The witnesses give their testimony, and are cross-examined by the attorney for the opposite side. When the evidence on both sides has been heard, the attorneys again address the jury seeking to interpret the facts. The judge then "charges the jury," explaining the law applicable to the case, after which the jury retires to consult upon the verdict. Their verdict must be a unanimous opinion and must be either "guilty" or "not guilty." If guilty, the judge at some subsequent time, usually within a few days, pronounces sentence according to law; if not guilty, the accused person is discharged.

If the jury cannot agree, the case is again tried before another jury. The attorney for a person convicted of crime may ask for a new trial, which may or may not be granted, at the discretion of the judge.

Civil suits are conducted in the same manner as criminal suits, except that there is no preliminary hearing. The plaintiff files a petition with the clerk of the court stating the cause of the suit and naming the person charged with the offense. The clerk issues a notice to the proper officer bidding the person complained of to appear in court and answer to the charge. If the trial is to be before a jury, the jury is empanelled the same as in a criminal case. The details of procedure are the same as in a criminal case, except that the verdict is rendered "For the Plaintiff," or "For the Defendant." Provision is made for the losing party to make an appeal if permission is granted.

<sup>1</sup> See *Art. XII. Sect. 5.*

the State in future. The party impeached, whether convicted or acquitted, is liable to a court trial according to law.<sup>1</sup>

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## STUDIES ON THE GOVERNMENT OF THE STATE.

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### THE LEGISLATIVE DEPARTMENT.

1. How is a law proved unconstitutional?
2. To what committee would a bill providing for the support of the State Normal School be referred?
3. What is the "enacting clause" of a bill?
4. In how many ways may a bill become a law?
5. Why have two houses in the General Assembly?
6. When does the Senate become administrative in its functions?

### THE EXECUTIVE DEPARTMENT.

1. To whom is the governor accountable?
2. Where does he render his account?
3. How is the appointing power controlled?
4. What are the privileges of the lieutenant-governor in the Senate?
5. Index the Constitution, showing all references to the executive.
6. Name the State offices; the administrative boards.
7. Make a list of all institutions supported by the State. Give some reason for the existence of each.
8. Why is the militia a part of the executive?

### THE JUDICIAL DEPARTMENT.

1. Why have long terms for judges?
2. What significance do you attach to the fact that the judges of the court of appeals are appointed instead of elected?
3. Why should the higher court issue the writ of error?
4. Should or should not a verdict be rendered by a majority of a petit jury? Give your reasons.
5. What is meant by *jurisdiction*? By *habeas corpus*?

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<sup>1</sup> See Art. XIII.

## CHAPTER IV.

### LOCAL GOVERNMENT.



**64. Local Government** is the administration and control of the public affairs of the county, the city, the town and the school district; as in the preservation of the peace, the administration of justice, the construction of roads and bridges, the maintenance of common schools, the care of the poor, the assessment of property, the collection of taxes, sanitation, protection from fire, water supply, etc. For the purposes of local government, the State is divided into counties and school-districts, and certain communities are organized as towns and cities. These various subdivisions constitute political corporations which derive their powers from the Constitution and from laws passed by the General Assembly.

#### THE COUNTY.

**65. The County.**—The State of Colorado is divided into fifty-seven counties.<sup>1</sup> New counties may be created by the General Assembly, but no part of any county may be added to an adjoining county without submitting the question to the qualified electors of the county whose territory it is proposed to reduce, and receiving the approval of a majority of the electors.<sup>2</sup> Each county is a corporation empowered to sue and be sued, to purchase, hold and convey real or personal property, and to exercise such other powers as may be conferred by law.

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<sup>1</sup> See *Appendix*, page 148.

<sup>2</sup> See *Art. XIV. Sect. 3.*



ARAPAHOE COUNTY COURT-HOUSE, DENVER, COLORADO.

The division of the State into counties, and our system of county government, had their origin in similar features that existed in England long before the Norman conquest; but the officers of the county, or shire, as it was then called, were not chosen by the people: they were appointed either by the king or by a representative of the king.<sup>1</sup>

The Constitution of Illinois was largely followed by the first law-makers of this State in framing our State Constitution. Southern Illinois was originally settled mainly by immigrants from Virginia and Kentucky, who carried with them the idea of county government. At the time the Constitution of this State was framed, conditions were not favorable for both the county and the township—or mixed system—which prevails in most of the States.

To have a successful township form of government the following conditions are necessary:

(1) Dense population, with sufficient wealth to maintain local government in addition to supporting the higher units of government.

(2) People having similar ideas in relation to local government.

(3) People having permanent residences, thus creating a strong attachment for local or home institutions.

(4) Convenient and easily accessible areas of land for establishing local government. The square is the most convenient form.

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<sup>1</sup> The early colonists of this country brought with them from England the forms and customs with which they were familiar. England, before the Norman conquest, was divided into shires, a shire being a share or part of the whole country. The executive officer in the shire was the *shire-reeve*, the predecessor of our sheriff; the power of the sheriff to call the *posse comitatus* to his aid may readily be traced to the old "hue and cry."<sup>1</sup> When the Normans conquered England they changed the name of shire to county. In early English literature we may read of the "crownor," an officer appointed by the Crown, who has his successor in the coroner of to-day.

<sup>1</sup> See THORPE'S *Course in Civil Government*, § 50, page 27.

(5) Only comparatively small tracts of land must be owned or occupied by each family.

These conditions did not exist in Colorado at an early day, and exist now only in some localities. The miners controlled small tracts of land, but were unsettled, travelling about from one camp to another; the people did not come to the State as compact colonies or settlements, but as individuals, in many cases without their families; stock-raising required large areas of land; agricultural lands extended in elongated strips along the narrow valleys of the rivers; and the population was sparse and wealth scattered.

In some localities in the mountains and in the parks of the State, conditions were favorable for the township system, but this system does not provide for the organization of intervening territory. Conditions favored the county system, which prevailed and which has been continued without change.

**66. The County Officers**<sup>1</sup> are the county commissioners, the county clerk and recorder, the sheriff, the treasurer, the assessor, the coroner, the surveyor, the superintendent of schools, the county judge, the justices of the peace and the constables, who are elected by the voters; the county attorney who is appointed by the county commissioners, and the clerks of the courts who are appointed by the courts.<sup>2</sup> There are a few other officers who are appointed. All elective county officers are elected for a term of two years, except the county commissioners and the county judge, who are elected for three years.<sup>3</sup>

Most of the officers are required to keep their offices at the county-seat, a town selected temporarily by the Gen-

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<sup>1</sup> See *Art. XIV. Sects. 6-15.*

<sup>2</sup> The duties of the county judge, county attorney, clerks of the courts, justices of the peace and constables are described in Chap. III., the Judicial Department.

<sup>3</sup> For the qualifications of county officers see *Art. XIV. Sect. 10.*

eral Assembly when the county is organized, and afterward permanently by a popular vote of the people, either on account of its importance or its favorable location.

**67. The Board of County Commissioners** consists of three members, but the Constitution provides that five commissioners may be elected when the population of a county shall exceed ten thousand.<sup>1</sup> Each county is divided into as many commissioners' districts as there are commissioners in the county. Each district is represented by one commissioner, who must be a resident and an elector of the district in which he is elected. The commissioners are elected by the voters of the county at large, and from the different districts in turn.

The commissioners have charge of all buildings belonging to the county; levy the county tax, and act as a board to equalize taxation;<sup>2</sup> examine and adjust claims against the county; furnish lists of jurors for the district court; appoint judges of elections; superintend the registration of voters; appoint persons to minor county offices and fill vacancies in county and precinct offices, except that of county commissioner;<sup>3</sup> divide the county into justices' precincts, into election precincts and into road districts; have supervision of the county roads; care for the poor; and in general have the management of all county business for which no other provision is made by law. The board cannot erect county buildings or levy a tax or borrow money for that purpose without submitting the question to a popular vote and securing popular approval.<sup>4</sup> Meetings of the board are held at the county-seat on the first Monday of January, April, July, and October. Special meetings may be held when necessary. All meetings are open to the public.<sup>5</sup>

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<sup>1</sup> See *Art. XIV. Sect. 6.*

<sup>2</sup> See *Art. X. Sect. 15.*

<sup>3</sup> See *Art. XIV. Sect. 9.*

<sup>4</sup> See *Art. XI. Sect. 6.*

<sup>5</sup> At the first meeting of the commissioners after the annual election, the board elects one of its number as president, who presides at the



68. **The County Clerk and Recorder** attends the sessions and keeps a record of the proceedings of the county commissioners; countersigns all orders for the payment of money approved by the board; keeps an account of receipts and expenditures of the county and all accounts of the county with other officers; prepares the official ballots for general elections; issues marriage licenses and keeps a record of the marriages; and has charge of the books in which are recorded all transfers of real estate. All deeds, mortgages and many other papers are by law required to be recorded in the office of the county clerk and recorder.<sup>1</sup>

69. **The Sheriff** is the executive officer of the county and of its courts of record. He appoints as many deputies as may be necessary to assist him in the discharge of his duties; he attends the drawing of jurors and summons them when drawn; he has custody of the county-jail and is responsible for the safe-keeping of prisoners. It is his duty to preserve the peace, and for this purpose, in case of a riot, he may call to his aid as many persons as may be necessary. The persons summoned constitute a *posse comitatus* (literally, power of the county) or, more briefly, a *posse*. If the *posse* is not able to quell the disturbance, the sheriff may apply to the governor, who may send the entire National Guard of the State to the aid of the sheriff, and if necessary may apply to the President, who may in that case employ the armed forces of the United States for the maintenance of the laws of the State.

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meetings of the board, signs all county warrants and bonds, and who is *ex officio* superintendent of the poor. The commissioners receive a compensation at the rate of five dollars a day, for time actually employed, and mileage. When a vacancy occurs in the board, it is filled by appointment by the governor.

<sup>1</sup> So important are the accuracy and exactness of the record, that the law requires the recorder to endorse on every document recorded in his office the date, the hour and the minute of its entry on his books, and also the number and page of the book in which the record is made.

**70. The County Treasurer** collects the taxes and receives all other money paid to the county, and pays county orders or warrants issued by the county commissioners. He is the disbursing agent for the various school districts of the county.

**71. The County Assessor** is required to assess all taxable property in his county except that assessed by the State board of equalization. The law requires that property shall be assessed at its actual value. The assessor also makes a list of persons liable to perform military duty.

**72. The Coroner.**—The principal duty of the coroner is to hold an inquest upon the body of any person who may have met with a violent death, or who, it is believed, has died by unlawful means. When the coroner is notified of such a case, he immediately summons six citizens of the county to act as a jury. If the jury find that a crime has been committed and name the person whom they believe to have committed it, the accused person may be arrested on the warrant of the coroner. In case of the death of the sheriff or of his removal from office, the coroner acts as sheriff until another sheriff is chosen.

**73. The County Surveyor** is elected to secure accuracy in the construction of roads and bridges, and in the survey of land.<sup>1</sup>

**74. The County Superintendent of Schools** has general supervision of the public schools in the county, except those in cities which are organized under special charters, and in first-class districts. He holds public examinations on the third Friday in August, December and March in each year, of persons desiring to become teachers

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<sup>1</sup> See chap. xiii. p. 126 of *THORPE'S Course in Civil Government*, for an account of the method adopted by the United States for the survey of the public domain. All of Colorado was public domain, and was surveyed by the United States.

in the public schools of the county.<sup>1</sup> He is required to visit the schools in the county at least once during each quarter that they are in session, and to give such directions and suggestions as to the course of study and general management as the interests of the schools seem to require. It is his duty to decide controversies arising in the administration of the school law in the county. He establishes and changes the boundaries of school districts, apportions the general school fund among the various districts, examines and corrects the books required to be kept by the officers of the school district, organizes teachers' associations, assists in the management of the district normal institute, makes an annual report of the condition of the schools to the superintendent of public instruction, and is *ex officio* commissioner of lands within his county, subject to the directions of the State board of land commissioners.

#### APPOINTED OFFICERS IN A COUNTY.

**75. The County Attorney** is appointed by the county commissioners.<sup>2</sup>

**76. The Board of County Visitors** is appointed by the county judge. The board consists of six members, at least three of whom must be women. It is the duty of the board to visit jails, reformatories and charitable institutions, and report their condition to the State board of charities and corrections.<sup>3</sup>

**77. The County Sheep Inspector** is appointed by the State veterinary sanitary board, but is paid by the county commissioners.

**78. Road Overseers** are appointed by the county commissioners for the various road districts of the county.

**79. A County Board of Horticulture** to act in conjunction with the State board may be appointed by the

<sup>1</sup> To all persons eighteen years of age or over, found competent, he issues a certificate of either the first, second or third grade.

<sup>2</sup> See § 61, page 54.

<sup>3</sup> See ¶ 6, page 44, and § 131, page 91.

county commissioners on the petition of fifteen persons who own orchards. The board is assisted by a fruit inspector appointed by the county commissioners. A bee inspector may be appointed by the county judge.

### THE SCHOOL DISTRICT.

**80. The School District** is the smallest civil division of the State. The county is divided, by the action of the people interested and by the county superintendent of schools, into school districts independent of each other. Each district has its own school, which it may manage in its own way. It is designated as school district number — (such a number as the county superintendent may assign), — county (the name of the county in which the district is located), State of Colorado.

The number of districts in each county varies with the extent of the county and the population.

**81. The Annual School Meeting** is held in each district on the first Monday in May at the school-house belonging to the district. Special meetings may be called when necessary. All persons having the qualifications of electors may attend and vote at the meeting. In districts of the third class, the voters, when assembled, may fix a site for each school-house; order a tax on taxable property; provide for hiring teachers, and for furnishing fuel and text-books; and transact such other business as tends to promote the interests of the schools.<sup>1</sup> The school meeting, it will be seen, constitutes almost a pure democracy, like the New England town meeting.<sup>2</sup> It is the only instance in the government of this State in which the people meet and make laws directly, instead of through their representatives.

**82. School Directors** are elected in the various school

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<sup>1</sup> Usually the management of the schools is left to the discretion of the school board.

<sup>2</sup> See THORPE'S *Course in Civil Government*, § 91, page 51.

districts. In districts of the first class one director is elected each year, and serves for five years. In districts of the second and third classes, one director is elected each year, and serves for three years. The officers of the school board are: the president, the secretary and the treasurer. Only the secretary receives compensation (usually fifty dollars a year).



CITY HALL, DENVER, COLORADO.

### MUNICIPAL GOVERNMENT.

**83.** A city is an aggregation of people living in close contact, within a comparatively small territory. The necessarily intimate relations of individuals within a city give rise to special needs not felt by people scattered over a larger area.

**84. Incorporation of Cities and Towns.**—All towns and cities of the State, except those acting under a special

charter, are organized or incorporated under the general law.

When not less than thirty electors desire that the community in which they live shall be incorporated as a town, they petition the county court for incorporation as a town, the location of which must be fully described and be shown by a map; the court appoints a board of five commissioners whose duty it is to hold an election, at which the electors of the proposed town are given an opportunity to vote either for or against incorporation. If a majority vote favorably, the commissioners hold another election at which the voters elect town officers. This completes the process of incorporation.

**85. Classification of Cities and Towns.**—The towns and cities of the State are divided into three classes as follows:

First class, having a population of over 15,000; second class, having a population of 2000 to 15,000; third class, incorporated towns, having a population of less than 2000.<sup>1</sup>

**86. The Government of Cities.**—For convenience in their government cities of the first and second class are divided by their councils into wards.

The government of a city, like that of a State, consists of three departments. The mayor is the executive, the council is the legislative, and the police court<sup>2</sup> is the judiciary.

**87. The Mayor.**—In cities of the first and second classes the mayor is elected biennially. It is the duty of the mayor to enforce all the laws and ordinances relating to the government of the city. He presides over meetings of the council and in cities of the first class either signs or vetoes the ordinances that are passed. An ordinance

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<sup>1</sup> This classification does not include cities acting under special charters.

<sup>2</sup> See § 56, page 51.

may be passed over his veto by a two-thirds vote of the council. In cities of the first class the mayor appoints, subject to confirmation by the council, several city officers, and he may remit fines and grant pardons for offenses against the city ordinances. The efficiency of a city government depends almost wholly on the honesty, energy and ability of the mayor.

**88. The Council.**—Members of the council are called aldermen. In cities of the first class one alderman is elected in each ward biennially; in cities of the second class each ward has two aldermen, one being elected each year to serve for two years. The council has charge of the city finances, levies the city tax, and has power to pass laws for the government of the city. Laws passed by the council are called ordinances. They require for their passage a majority vote of the whole number of aldermen.

**89. Other Officers of the City.**—In cities of the first class the voters elect a treasurer, a clerk, an auditor, an attorney and an engineer. The council elects the police magistrate.

In cities of the second class the voters elect a treasurer, a clerk, an attorney, a marshal, a police magistrate and a supervisor of streets.

The mayor, with the approval of the council, appoints the superintendent of the fire department, the firemen, and the policemen.

City officers are elected to serve for two years. The duties of the city officers are indicated by their titles.

**90. The City of Denver** is organized under a special charter which grants greater powers than the general law. The council consists of two branches, the board of aldermen, which consists of one member from each ward, and a board of supervisors, which consists of a board of five members elected by the voters of the entire city. The governor appoints a board of public works, a fire and

police board and the police magistrate.<sup>1</sup> The government of Denver is the government of the State in miniature.

**91. Towns.**—The officers of a town are the mayor and a board of six trustees who are elected by the voters, and usually a clerk, a treasurer, an attorney, a police magistrate and a marshal, who are usually appointed by the board of trustees. The mayor is elected annually; three of the trustees are elected each year to serve for two years. The duties of the board of trustees are similar to those of the council of a city. The duties of the other officers are indicated by their titles.

## STUDIES ON LOCAL GOVERNMENT.

### THE COUNTY.

Make a summary for officers and boards showing the following :

- |                |                       |
|----------------|-----------------------|
| 1. HOW CHOSEN. | 3. TERM OF SERVICE.   |
| 2. NUMBER.     | 4. POWERS AND DUTIES. |

### THE SCHOOL DISTRICT.

1. State the duties of district officers.
2. Why should the school district be governed by local officers?
3. Is the government of the school district centralized?

### MUNICIPAL GOVERNMENT.

1. Why should the question of the incorporation of a town be submitted to popular vote?
2. What evils may result from allowing the council to share in the appointing power?
3. Why should showmen be required to procure a license in cities?
4. What is the meaning of *municipal*?

<sup>1</sup> See § 56, page 51.



## CHAPTER V.

### TAXATION.



**92. Taxes.**—The expenses of State and local government are paid almost wholly by means of taxes. Taxes are contributions imposed upon individuals and upon corporations, in other words, upon property, business and persons, for the support of the government and for other public purposes.

**93. The General Property Tax.**—By far the most important tax is that which is levied upon property. The law requires that all property, real and personal, not expressly exempt, shall be subject to taxation.<sup>1</sup>

**94. Assessment of Taxes.**—It is the duty of the county assessor to assess all taxable property in his county on the first day of May in each year. In case the assessor fails to call upon the owner, the owner is required to make out and file in the office of the county assessor by the twentieth day of June in each year, a full and correct list of all his property subject to taxation.

The law requires that all property shall be assessed at its actual value, but usually it is assessed at much less than its real value. The county assessor makes out the assessment roll, showing in alphabetical order the names of all persons whose property has been listed.

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<sup>1</sup> Real property or real estate includes land and all things directly connected with land, such as buildings, improvements upon land, mines, quarries and the like. Personal property includes movable articles of every description, such as money, notes, bonds, mortgages, shares in corporations, etc.

All railway, telegraph, telephone and sleeping-car companies, owning or controlling property in the State, are required to furnish to the State board of equalization, a complete and detailed list of all their property within the State, prior to the first Monday in April of each year. On that day the State board of equalization meets and assesses such property. On or before the first of May, this board is required to report to the county clerk and recorder of each county, containing any of the property assessed, the valuation assessed on such property in that county.

**95. Equalization of Taxes.**—On the first Monday in July of each year, the board of county commissioners meets and equalizes the assessments made for that year by the county assessor. Whenever there is reason to think that the assessor has valued property unjustly or not in a uniform manner, the board lowers or raises the assessment as the case may be. If any considerable changes have been made in the assessment of any property, the owner is notified and he may appear at a subsequent meeting of the board, which is required to be held on the third Monday in July, when the board decides the matter finally. After all corrections have been made, the county assessor forwards an abstract of the assessment roll to the State board of equalization. This board meets on the first Monday of September in each year and equalizes the assessments made in the several counties in the State, increasing or decreasing the assessments in particular counties by such a percentage as may be necessary to secure a uniform rate of assessment throughout the State. The board at this meeting may correct any previous error in the assessment of railroad, telegraph, telephone and sleeping-car property.

**96. The Tax Levy.**—The General Assembly, at each regular session, passes an act to provide revenue for the next two years. This act levies a rate that will yield the

amount appropriated for current expenses and for the interest on the State debt during the two years. The rate is based upon the assessment of the preceding year.<sup>1</sup>

The State auditor, upon the basis of the equalized valuation, determines the amount that each county must raise for State purposes, and certifies the same to the county clerk and recorder.

When the assessment for the year is completed, the county commissioners of each county levy the county tax; the council in each city levies the city tax; the school meeting or the school board in districts of the third class, and the school board in districts of the first and second classes levy the school tax; the rate in each case is certified by the proper officers to the county clerk.<sup>2</sup> It now becomes the duty of the assessor to determine the amount of taxes payable by each person and corporation and to set down the amount opposite the names in the tax-roll. This work is completed and the tax-roll delivered to the county treasurer by the first day of January.

**97. Collection of Taxes.**—Taxes are payable to the county treasurer on or after January 1st. A tax-payer may pay his tax in full before March 1st, or he may pay

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<sup>1</sup> Should the General Assembly fail to make the tax levy, it is made by the State board of equalization. The General Assembly provides for the fixed levies which are used for the State institutions, the Capitol building bonds and the stock-inspection fund. The State board of equalization levies the other State taxes, the maximum limit for all State purposes being four mills.

<sup>2</sup> The tax levy for a city like Greeley stands somewhat as follows :

	Mills.
General State tax . . . . .	4
“ county “ . . . . .	8
“ school “ . . . . .	4
Special school “ . . . . .	12
School bond “ . . . . .	2
City of Greeley “ . . . . .	26
Total . . . . .	56

half the amount before that date and the remainder any time before August 1st. If the first half becomes delinquent, interest is charged at the rate of one per cent. a month. If the second half becomes delinquent, interest is charged at the rate of one and one-fourth per cent. a month until the tax is paid. All taxes are delinquent after August 1st, and the county treasurer has power to sell personal property to satisfy the taxes on the same.

Real estate upon which the taxes are not paid by August 1st may be advertised for sale August 20. This sale takes place on the first Monday in October or as soon thereafter as practicable. Four weeks' notice must be given before real estate is sold. Land offered for sale, which will not bring enough to satisfy the taxes, is purchased by the county treasurer in the name of the county.

Land sold at tax sales may be redeemed within three years by the owner, upon the payment of the amount for which the land was sold and all subsequent taxes, with interest on both. As the taxes are collected, the county treasurer, at regular intervals, turns over to the State, to the county and to the city, the amounts levied by each.

**98. Other Taxes.**—In addition to the general property tax, several other taxes are authorized by law.

Licenses are taxes imposed upon persons engaging in special kinds of business, and hence are called occupation taxes.

Poll taxes are of three kinds: a military poll-tax of one dollar for the support of the State militia; a general county poll-tax of one dollar for general county purposes; and a road poll-tax of two dollars<sup>1</sup> or, as an equivalent, two days' work on the public roads. The military and the general county poll-taxes are collected by the county treasurer; the road poll-tax by the road overseer.

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<sup>1</sup> This refers to the country. In towns the road poll-tax is regulated by the board of trustees, and in cities by the council. This tax is usually three dollars.

**99. Other Income.**—In addition to receipts from taxation, there are several other sources of revenue to the State, the most important of which are the interest on the public school income fund, and the receipts from the sale and rentals on lands given to the State for various purposes by the Federal government. These lands are managed by the State land board.

Fees are charges made by State or local officers for particular services rendered to individuals. The amount that may be charged is fixed by law. The income that is derived from this source is considerable. Fees also include court costs. Some revenue is derived from escheats<sup>1</sup> and fines. All income intended for State purposes is collected by the proper officer and finds its way to the State treasurer; all county income is paid to the county treasurer.

**100. Public Indebtedness.**—The State and its various political divisions are authorized to borrow money on bonds, for the purpose of defraying extraordinary expenses and for making public improvements. Before bonds are issued the matter must be submitted to the electors and be approved by them.<sup>2</sup> When issued, an annual tax must be levied to provide the means for paying the interest on the bonds and to create a fund for the payment of the bonds when they become due.

Warrants are sometimes issued for the running expenses of the government until the taxes are collected. They are issued by the officers of the county, city or school-district and bear interest from date of registration until paid. It does not require a vote of the people to issue warrants.

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<sup>1</sup> **Escheats.**—When a person dies leaving property, not having made a will and having no heirs to inherit the property, the State becomes the heir, and the property escheats to the State—that is, it becomes the property of the State.

<sup>2</sup> See *Art. XI*.

## STUDIES ON TAXATION.



1. Give the various steps in levying and paying taxes from the time the schedule paper is left at the house by the assessor, until the taxes are paid.

2. Should persons having no children pay taxes for the support of schools?

3. For what purposes are taxes raised in a city?

4. Mention a war caused by taxation.

5. For what purposes are State taxes levied?

6. Why should local taxes exceed State taxes?

7. How is a district school in Colorado supported? How many kinds of school taxes may be levied?

8. Can you find the total valuation of property in your school district? City? County? State?

9. Is any tax paid on your school house?

10. How does the assessed valuation of your home compare with its actual or market value?

11. What difference would it make in the rate, if it were assessed at its actual value?



HIGH SCHOOL, EAST DENVER, COLORADO.

## CHAPTER VI.

### PUBLIC EDUCATION.



*"Education consists in preparing an individual to enter readily, fully, and righteously into the real life about him."*—DR. Z. X. SNYDER.

101. AN orderly plan for the development of the school system of Colorado has been worked out in detail. Each part bears its proper relation to all the other parts, and the whole has its authority from the Constitution and from the laws that have been enacted from time to time.

#### ELEMENTARY AND SECONDARY EDUCATION.

102. The Superintendent of Public Instruction has general supervision of elementary and secondary education. His work intimately concerns these schools. It is effected through the examination of teachers, the work of the normal institutes, reading circles, and educational

lectures. He receives and publishes biennial reports of all the State educational institutions.<sup>1</sup>

The county superintendent of schools is responsible for the direct supervision of the public schools and for certifying efficient teachers.<sup>2</sup>

The boards of school directors are entrusted by the people with the business management of the schools in the school districts.<sup>3</sup>

**103. The School System.**—The schools of the State are organized under the district system. A school district is a body corporate having authority within a definite territory. The school district in order to receive its share of the State school fund must maintain a school at least three months in each year.<sup>4</sup>

**104. Rural Schools.**—An effort is being made to establish a uniform grade in the rural schools. A State course of study of eight grades has been prepared by the State superintendent with the assistance of a committee of county superintendents. Upon the completion of the prescribed work of the eight grades, the pupil is given a diploma showing that he is a graduate of the rural schools.

**105. Graded Schools.**—The graded schools are usually under the direction of a superintendent. The ward schools

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<sup>1</sup> See § 48, page 41.      <sup>2</sup> See § 74, page 64.      <sup>3</sup> See § 82, page 66.

<sup>4</sup> See § 80, page 66. There are a few districts in the State that are practically independent in their action. Such districts are acting under a special charter granted by the General Assembly.

Districts that are united for the purpose of supporting high schools are termed union districts. Districts that cross county lines are termed joint districts and are under the supervision of the two county superintendents.

School districts are divided into three classes: The *first class*, having a school population of 1000 or more; *second class*, having a school population of from 350 to 1000; *third class*, having a school population of less than 350. A person between the ages of six and twenty-one years is of school age.



in cities are under the charge of a principal who is subordinate to the city superintendent.

In 1893 the General Assembly made the kindergarten an integral part of the public school system. Under this law the school board of any district may establish and maintain free kindergartens for the instruction of children between three and six years of age. A high standard of efficiency is required of those proposing to teach in the kindergartens.

**106. The Graded Elementary School** embraces eight grades, each grade requiring one year for completion. The instruction is usually confined to orthography, reading writing, arithmetic, English grammar, geography, history, civil government, physiology with special reference to the effect of stimulants and narcotics, and some elementary work in the natural sciences. In some of the schools instruction is given in gymnastics, singing, drawing, and sloyd.

**107. The Secondary School or High School** embraces four grades, covering four years, and completes the work of the elementary school. A high school course of study has been adopted by the State Teachers' Association, and most of the high schools are attempting to approximate the work therein prescribed. The course of instruction in these schools furnishes the means for acquiring a fair general education, and in the more advanced schools, it meets the requirements for admission to the institutions of higher learning.

**108. Compulsory Education.**—The State requires that every child between eight and fourteen years of age shall attend either a public or a private school for at least twelve weeks in each school year, eight weeks of which must be consecutive.

**109. The Revenue** for the support of the public schools is derived from State, county, and district sources.

(a) *The general school fund* which is used for teachers' salaries is made up from State and county sources.

(1) The State revenue for the general fund is derived from the proceeds of the public school investment fund; from interest on the deferred payments of school lands; from proceeds arising from the lease of school lands;<sup>1</sup> and from escheats<sup>2</sup> and gifts. This State fund is apportioned among the various counties once in every six months by the superintendent of public instruction.

(2) The county revenue for the general fund is derived mainly from a county tax of not less than two mills nor more than five mills, which the county commissioners are required to levy on all taxable property of the county. A considerable sum is realized from fines, penalties, and forfeitures.

The general fund is apportioned by the county superintendent at regular intervals among the various districts in proportion to their school population.

(b) *The special school fund* is derived from a special tax which the school board levies on the taxable property of the school district. In districts of the third class the highest limit is fifteen mills. Should the school board neglect to levy this tax, when needed, the county commissioners are required to levy it.

**110. The Licensing of Teachers.**—A person holding a certificate, granted by lawful authority, is legally qualified to teach in the public schools of the State. County certificates are granted by the county superintendent to persons successfully passing an examination. Applicants are examined in the school law of Colorado, and in the subjects taught in the common schools.<sup>3</sup> The questions are prepared and furnished to the county superintendent by the superintendent of public instruction.

The State board of education grants State certificates to persons successfully passing the State examinations, also

<sup>1</sup> Sections sixteen and thirty-six of every township in the State were granted by Congress to Colorado for the support of the common schools.

<sup>2</sup> See note, page 75.

<sup>3</sup> See §106, page 79.

to persons who have rendered eminent educational services in the State for five years. These certificates are valid for life unless revoked for good cause.

The State Normal School grants a life certificate to persons graduating from its full course.<sup>1</sup> Districts of the first class are given authority to examine teachers.<sup>2</sup>

**111. Special Schools** are maintained by the State for the education of the unfortunate, vagrant, and criminal classes.

The school for the unfortunate class, those who do not have possession of all the physical senses, is located at Colorado Springs, and is called the School for the Deaf and the Blind. This institution is not an asylum or hospital, but is a well-equipped school with a faculty of specialists. In the training of the blind, music as a means of education is emphasized. In both the deaf and the blind departments the training of the hand is cultivated.

The State Industrial School,<sup>3</sup> and the State Industrial School for Girls<sup>4</sup> unite elementary manual training with the usual instruction in primary subjects, hoping thereby to make self-supporting citizens of the vagrant and criminal classes of boys and girls.

### HIGHER EDUCATION.

**112.** The State institutions for higher education in Colorado include the State School of Mines, the Agricultural College, the State Normal School, and, crowning the entire system, the State University. All except the State Normal School are included specifically in the Constitution.<sup>5</sup> At the time of the adoption of the State Constitution the

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<sup>1</sup> These certificates are valid in any public school in the State. The certificate may be revoked for cause.

<sup>2</sup> These certificates are valid only in the districts in which they are issued.

<sup>3</sup> See § 129, p. 90.

<sup>4</sup> See § 130, p. 90.

<sup>5</sup> See *Art. VIII. Sect. 5.*

State Normal School was not an organized Territorial institution. It should be classed as one of the constitutional institutions, as the Constitution provides for it in a general way, as follows: "Educational . . . institutions shall be established and supported by the State, in such a manner as may be prescribed by law."<sup>1</sup> This school has been established by law, the authority for which is derived from the Constitution. Its board of trustees acts under the general direction of the State board of education, a constitutional board.<sup>2</sup>

These institutions of higher learning are as much a part of the educational system as are the common schools. No system of education is complete which stops with the mere rudimentary elements of learning.

The subjects pursued in an institution of higher learning have a direct bearing on the practical work of life. They aid directly in building up a strong and wise citizenship. The State recognizes that it reaps rich returns from the investments it makes in institutions of higher learning. It would seem to be wise on the part of the State to insist that each institution should work out only the special line for which it was created. The State should see to it that each institution is given the highest facilities for doing the most efficient work in its allotted field.

**113. The School of Mines** is located at Golden. This school was established to make a practical application of science to mining and its kindred subjects.

**114. The Agricultural College.**—This school is located at Fort Collins. Its object is to promote the practical education of the industrial classes, especially by instruction in agriculture and in the natural sciences connected there-

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<sup>1</sup> See *Art. VIII, Sect. 1.*

<sup>2</sup> The State Normal School is an integral part of the public school system by law and is placed on the same basis as to apportionment of the State school funds as are union high schools.



STATE NORMAL SCHOOL, GREELEY, COLORADO.

with. The work of the various agricultural experimental stations of the State is directed by this college.<sup>1</sup> The courses offered are:

1. Agriculture;
2. Mechanical Engineering;
3. Irrigation and Civil Engineering;
4. Ladies, or Domestic Economy;
5. A Business Course.

**115. The State Normal School** is located at Greeley. Its aim is to reduce teaching to a science in the professional training of teachers. The course embraces academic subjects, and theoretical and practical pedagogy.<sup>2</sup>

The work covers a period of four years. Students are admitted to the freshmen class from the eighth grade of the public elementary schools. Graduates of approved high schools are admitted to the junior class without examination. All other applicants are examined for admission, but the policy pursued is to give full credit for all work satisfactorily completed elsewhere. The following departments are maintained:

1. Normal;
2. Model;
3. Kindergarten.

Graduates are given diplomas, which are life certificates to teach in any public school in Colorado.

**116. The State University.**—This institution is located at Boulder. Its departments are as follows:

1. College of Liberal Arts;
2. Graduate Courses;
3. Colorado School of Applied Sciences;

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<sup>1</sup> Farmers' institutes are held at various places in the State during the winter. The faculty of the Agricultural College is usually represented at these meetings.

<sup>2</sup> District normal institutes are held in the State. They continue for a period of two weeks. These institutes tend to professionalize the work of teaching.

4. Colorado School of Law ;
5. Colorado School of Medicine ;
6. Preparatory School.<sup>1</sup>

**117. Control and Maintenance of State Schools.—**

Each of the State institutions, except the State University, is under the control of a board of trustees appointed by the governor. The University is under the control of a board of six regents elected by the voters of the State.

The School of Mines, the Agricultural College, the School for the Deaf and the Blind, the State Normal School, and the State University, each receive the proceeds of a direct tax of one-fifth of a mill on all taxable property in the State. Appropriations are made from time to time for buildings, improvements, and in some instances for maintenance.

The State University receives also the revenue arising from the sale or rental of seventy-two sections of land granted by Congress.

The Agricultural College was granted ninety thousand acres of land by Congress. This institution has also an appropriation from the treasury of the United States.

Tuition, to residents of the State, is free in all the State schools. All the expenses of pupils at the School for the Deaf and the Blind are paid by the State.

There are several sectarian institutions of higher learning in Colorado that confer degrees. The most notable of these are the Colorado College (Congregational), at Colorado Springs, and the Denver University (Methodist), at Denver.

The people of Colorado are noted for their deep interest in education. In most instances they tax themselves liberally for the support of the schools.

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<sup>1</sup> The preparatory school will be discontinued as soon as practicable.

## STUDIES ON PUBLIC EDUCATION.



1. Index the Constitution, showing all references to educational affairs.
2. What was the origin of school lands?
3. How much land was given by Congress to the State University and to the Agricultural College respectively?
4. From what sources are funds for the public schools derived?
5. What is the object of a diploma?
6. Why does the State provide for public schools?
7. Are you in favor of an educational qualification for voters?
8. Give the date of the annual school meeting in the school districts.
9. On what basis are the State school funds apportioned among the school districts?
10. What is meant by "free text-books"?
11. How many people of school age are there in your district? How many attended school last year? What did the school of your district cost last year? How much of this money was spent for you? How much did it cost to provide you one day's schooling?
12. What is the value of school property in your district; in your county; in the State?



## CHAPTER VII.

### BENEVOLENT, PENAL AND REFORMATORY INSTITUTIONS.



**118.** It is characteristic of a highly developed civilization that the State<sup>1</sup> interests itself in the weak members of its society; endeavors to improve the condition of the defective and dependent; and enforces the laws against evil-doers.

**119. Classes.**—The State must constantly care for the following classes:

- (1) The defective;
- (2) The dependent;
- (3) The delinquent.

#### BENEVOLENT INSTITUTIONS.

**120. The Defective Class** includes the insane, the blind, the deaf and dumb, and the feeble-minded. For all these, except the last named, Colorado makes provision.

The insane may be divided into two classes: those needing special treatment, and those needing only care and oversight. For the latter the law provides conservatorship, which is secured through the county court.<sup>2</sup> If the court and jury decide that a person needs special treatment, application is made to the superintendent of the insane asylum for the admission of the afflicted person. This request must be granted if there are accommodations for the patient. Colorado's Asylum for the Insane is located at Pueblo.

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<sup>1</sup> See *Art. VIII. Sect. 1-5.*

<sup>2</sup> See § 55, page 50.

**121. The School for the Deaf and the Blind** is located at Colorado Springs. This institution has a regular course of study. It makes a report to the State Board of charities and to the superintendent of public instruction.

**122. The Dependent Class** includes those who through some misfortune are unable to procure the necessities of life and must ask either for aid or entire support. The chairman of the board of county commissioners is superintendent of the poor in his county. County commissioners are given power by law to purchase and maintain a poor-house or poor-farm and county hospitals. The poor are cared for at the poor-house, and the sick at the asylum. If a pauper dies within a county of this State, the county commissioners order a decent burial to be given such person at the expense of the county.

An ex-Union soldier, sailor, or marine who dies without leaving means sufficient to defray his funeral expenses, may be buried at the expense of the county.

**123. The State Home for Dependent Children** is located at Denver; it is supported by the State.

**124. The Soldiers' and Sailors' Home** is located at Monte Vista. "This institution was created for the care and treatment of honorably discharged soldiers, sailors, and marines, who served in the Union army between April 12, 1861, and April 9, 1865, and those dependent upon them, who have been *bonâ fide* residents of this State for at least one year next preceding their application for admission to the home." This work of gratitude to the men who preserved the Nation is among the most worthy that has been undertaken by the State.

#### **PENAL AND REFORMATORY INSTITUTIONS.**

**125. The Delinquent Class** includes vagabonds and criminals. Vagabonds are persons who travel about from place to place or who loiter around, having no visible means of support. Under the law a vagabond is called a

vagrant when found loitering about places where liquor is sold, when begging or when leading an immoral or profligate life.

There is a sharp distinction to be drawn between a vagrant and a pauper. The first is unworthy; the second is deserving of aid.

Criminals are violators of the law. These violations are called crimes or misdemeanors or public offenses. Persons convicted of crimes or misdemeanors are detained or imprisoned either in city prisons, county jails, the State Industrial School for Boys, the State Industrial School for Girls, the State Reformatory, or the State Penitentiary.

City prisons are managed by the city authorities and are used only for the detention and punishment of those violating the city ordinances. In most counties of the State the cities use the county jails under certain regulations.

**126. A County Jail** is provided in most of the counties of the State. The county sheriff has charge of the jail and the prisoners. There were but two counties in the State, in 1894, that provided employment for prisoners, so that in most cases the prisoners were compelled to lead an idle life, a condition of affairs which has led many competent prison inspectors to say, "The county and the city jails are common schools of crime and vice."

**127. The State Penitentiary** is located at Cañon City. The punishment at this institution consists of the hard labor required of every convict, and the silence he is compelled to maintain. For infractions of the rules, prisoners are sometimes confined in a dark cell and are compelled to subsist on bread and water for three days.

Religious services are held in the prison chapel every Sunday morning and Sunday school in the afternoon. Night school is held in the chapel every evening, except Saturday and Sunday. The religious services and the

night school are under the direct supervision of the chaplain.

When a prisoner<sup>1</sup> is released from the penitentiary he is given five dollars in money, a suit of clothes, and a railroad ticket to the county from which he was sentenced.

**128. The State Reformatory** is located at Buena Vista. The object of this institution is to provide a prison for the punishment and reformation of younger criminals not yet hardened in crime. The sentences are for an indefinite time, but must not be for a longer term than would have been imposed had the convict been sentenced to the penitentiary. The discipline and general management are similar to those of the penitentiary, the two institutions being managed by the same board of commissioners.

**129. The State Industrial School** is located at Golden; on a farm of forty acres. Boys between the ages of ten and sixteen years, convicted of offenses punishable by fine and imprisonment for less than life, may be committed to this school until they are twenty-one years of age, unless they are sooner discharged or bound out to some responsible person. The boys are required to do all the work on the farm and about the institution; are taught a trade; and are educated in the common branches.

**130. The Industrial School for Girls.**—A law was passed in 1887 providing for an industrial school for girls. The law provided that rules should be adopted for the moral, physical, intellectual, social, and industrial training of the inmates. Domestic industries take precedence of trades.

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<sup>1</sup> In April, 1896, there were 627 male and 12 female convicts in the penitentiary. Only two prisoners in each one hundred were born in Colorado. One-third of the prisoners were born in the five States having large cities—New York, Pennsylvania, Ohio, Illinois, and Missouri. One-sixth of the prisoners were of foreign birth. Two-thirds of the prisoners were unskilled laborers when committed.

The law contemplates that the State Industrial School, and the Industrial School for Girls, shall be schools and reformatories rather than juvenile prisons.

The support of these institutions is provided for as follows: The School for the Deaf and the Blind, and the Insane Asylum each receive the proceeds of a tax of one-fifth of a mill on all taxable property in the State, besides special appropriations made by the General Assembly from time to time. The other State institutions are maintained by special appropriations made by the General Assembly. The county and city institutions are maintained by the county and city respectively.

**131. Supervisory Boards.**—Each of the State institutions is managed by a board appointed by the governor.

The other institutions are under the control of the local authorities. That the best interests of the State and the State's defective, dependent, and delinquent subjects may be conserved, the law provides for a State board of charities and corrections, which has a general supervisory power over the State institutions,<sup>1</sup> and a State board of pardons, which investigates all applications for executive clemency and reports its findings to the governor.<sup>2</sup>

In each county there is a county board of visitors appointed by the county judge. The board keeps itself advised of the condition and management of the charitable and corrective institutions in its county and makes suggestions concerning their management. The board also attends the proceedings which are liable to result in committing a boy to the State Industrial School, and counsels with the judge in the case. The board makes an annual report to the State board of charities and corrections.

Neglect and revenge should not characterize our treatment of the three classes discussed. Their condition calls for conscientious, philanthropic treatment.

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<sup>1</sup> See ¶ 5, page 44.

<sup>2</sup> See ¶ 6, page 44.

STUDIES ON BENEVOLENT, PENAL AND REFORM-  
ATORY INSTITUTIONS.



1. Name the three classes that must be cared for by the State.
2. Do you believe the humane spirit is growing? Give reasons.
3. State your opinion as to the policy of not allowing prisoners in jails to work.
4. State your opinion in regard to the "indeterminate sentence."
5. What is meant by "police power"?
6. What are the objects in view when the State inflicts punishment?
7. Should the labor of convicts be brought into competition with the labor of honest persons?
8. How many inmates are there in the penitentiary at the present time?

## CHAPTER VIII.

### ELECTIONS.



*"The good citizen is he who is true to his best nature, and toward others is just, truthful, merciful and helpful."*—DR. JAMES H. BAKER.

**132. Majority and Minority.**<sup>1</sup>—In a free government the will of the majority is taken as the will of the people. The majority always governs. In a strong, active minority, however, lies the safety of good government. For either the majority or the minority to work effectively there must be organization. This is accomplished by means of political parties.

**133. Political Parties** are a necessity in any form of popular government. The object of a political party should be, not simply the possession of the offices for personal profit or emolument, but to enact and to administer the laws for the general welfare. Political parties have existed in our government since the second administration of Washington, and have grown to have a controlling influence not only in national affairs, but also in the affairs of the State, the county and the city. State political par-

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<sup>1</sup> **Plurality and Majority Votes.**—When there are more than two candidates for the same office, the successful candidate is usually elected, not by a majority, but by a plurality, vote. The candidate receives a plurality vote when he receives more votes than any other candidate for the same office; he receives a majority vote when he receives more than half the whole number of votes cast for any office.

ties are usually overshadowed and absorbed by the National parties.<sup>1</sup>

**134. Organization.**—The organization of a political party consists of three divisions: the primary, the convention and the committee.

The first and second are temporary bodies, the third is a permanent one. The efficiency of an association depends upon a systematic method of work. A body needs a head.

After the primary and the convention have performed their work, the permanent body or committee is entrusted with the interests of the party. The committee, during the campaign before elections, arranges for public meetings and for speakers to discuss the questions at issue. There are National, State, county, city and district committees, each party having its own committee. The chairman of a committee holds an important position, as he is largely responsible for conducting the campaign. The committees are usually chosen either by conventions or by members of the party residing in the territory for which the committee is to serve.

**135. Candidates** for the different offices are nominated either in conventions or by certificates of nomination. Individual members of the party are not prohibited from voting for any other person of their choice, but there is little probability of any person being elected who is not the regular nominee of some political party. By massing the vote of the members of the party on a single candidate for each office, there is greater probability of success for the party's ideas, than when each voter selects his own candidate. An evil resulting from voting for party nominees is, that in many cases persons are led to vote for unworthy candidates, since they dislike to seem disloyal

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<sup>1</sup> "It is well for the State and the Nation that people form different political parties. Errors in the administration of government are less likely to occur and are more quickly remedied when one party keeps a close watch upon the policy and actions of its opponents."



to the party candidates. Upright men may be nominated if good citizens attend the primaries.

**136. Conventions** are composed of delegates chosen by the electors belonging to the party in whose interest the convention is held. The delegates composing the county and the district conventions are chosen by the electors in primary elections held in the various voting precincts of the counties.

The city convention is composed of delegates chosen by the electors in primary elections held in each ward of the city.

The State convention is composed of delegates chosen by the county conventions.

The congressional convention is composed of delegates chosen by the electors in the congressional district.

**137. Nominations by Convention.**—Candidates are nominated by the different conventions as follows: For the office of President and Vice-President of the United States, by the National convention; for State officers, by the State convention; for representative to Congress, by the congressional convention; for district judge, district attorney, State senator and representative to the General Assembly, by the district convention; for the elective county offices, by the county convention; and for the elective city offices, by the city convention. Only parties that cast one-tenth of the total vote at the preceding election are entitled to nominate candidates.

**138. Nominations by Certificate.**—Candidates for any office may be nominated by certificate. A certificate of nomination for any office must contain the name, residence, business and address of the candidate, the party which he represents, and the office for which he is nominated. If the nomination is for a State office, the certificate must be signed by not less than five hundred electors; if the nomination is for any district or county office, the certificate must be signed by not less than one hundred

electors; if the nomination is for an office in districts less than a county, the certificate must be signed by not less than fifty electors. All certificates must be filed not less than fifteen days before election day. All corrections must be made at least eight days before the election.

**139. The Ticket** is made up as follows: A certificate of all nominations made by conventions, containing the name, residence, business and address of each candidate and the office for which he is named, together with the name of the party represented by the convention, must be signed by the presiding officer and the secretary of the convention, and delivered to the proper officer within five days after the adjournment of the convention. Nominations by certificate must also be filed with the proper officer.

All certificates of nomination of candidates for electors for President and Vice-President of the United States, and candidates for State offices or for any division greater than the county, are filed with the secretary of State.

Certificates of nomination for county and precinct offices are filed with the county clerk and recorder, and those for the city offices are filed with the city clerk.

The secretary of State, from the certificates of nominations filed in his office, certifies to the county clerks the name and place of residence of each of the candidates for offices higher than the county, to be voted for in the respective counties.

The county clerk completes the list of candidates from the certificates of nominations filed in his office and publishes the same at least six days before an election. The city clerk does the same before a city election. The official ballot contains the names of all the candidates that have been nominated for office.

**140. Elections.**—All elections in this State, except school district<sup>1</sup> elections and elections for United States

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<sup>1</sup> The regular election occurs in each school district on the first Mon-

senators,<sup>1</sup> are held in accordance with the modified Australian ballot law passed by the General Assembly in 1891.

The regular elections for Presidential electors, members of Congress, State and county officers, members of the General Assembly, district judge and district attorney, are held on the first Tuesday after the first Monday in November. The regular town and city election is held on the first Tuesday in April.

**141. Judges of Election.**—For each voting precinct three judges of election, representing at least two political parties, are appointed. These judges have general supervision of the polling-place and ballot-box; declare the opening and closing of the polls; appoint two clerks to assist them; and see that the election laws are complied with. At the close of the polls, they count the votes and certify the result to the town, city or county clerk, as the case may be. They have charge of the ballot-boxes and return all ballots voted, those spoiled and those unused.

**142. Voting.**—The polling-places are provided at the public expense. Each polling-place is provided with a guard rail, and with one voting-booth for each fifty voters in the precinct. The voters, judges and clerks are the only persons allowed behind the guard rail.

When the voter gives his name he is admitted behind the guard rail, if his name is found on the registry list. The judge supplies the voter with an official ballot. This ballot must be endorsed with the initials of the judge furnishing it. The voter then retires into one of the compart-

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day in May. Any person who desires to be a candidate for the office of school director in districts of the first or second class must file a written notice of such intention with the district secretary at least eight days before the election. The district secretary, for five consecutive days preceding the election, publishes a list of the candidates. The members of the school board are the judges of the election in all school districts.

<sup>1</sup> United States senators are elected by the General Assembly to serve for six years.

ments to prepare his ballot. This is done by placing a cross (X) in the square after the name of each person for whom he desires to vote, or if he wishes to vote a straight ticket, that is, to vote for all the candidates of one party, he may place a cross (X) in the square after the party emblem or device which is printed at the top of the ballot, or he may write in blank spaces left for the purpose, the names of candidates of his own choice. If the ballot contains a question submitted to the people, the voter places the same kind of mark (X) in the square after the word or words that show how he desires to vote.

The voter then folds his ballot so that no one can see how he voted, hands it to the judge of election, who numbers it and pastes down the corner covering the number. The number of the ballot and the voter's name are entered in the poll-book. The judge hands the ballot to the voter, who deposits it in the ballot-box, and immediately leaves the polling-place. Illiterate voters may have the assistance of the judges in making out their ballots.<sup>1</sup>

**143. Determining the Results.**—Votes are received from 7 A. M. until 7 P. M. Immediately after the polls are closed, the judges of election unlock the ballot-box, count the votes and prepare a written statement showing the number of votes cast for each candidate. In city elections the returns are made to the city clerk. The council canvass the returns and the candidates having the highest number of votes are given certificates of election. In all other elections the returns are made to the county clerk. The county clerk calls to his assistance two justices of the peace, one from each of the two leading political parties; the clerk and the justices canvass the vote and determine the number of votes cast for each candidate. The county clerk issues certificates of election to

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<sup>1</sup> The object of the Australian ballot system is that the ballot may be made absolutely secret, and in this manner the voter may be allowed to express his opinion at the ballot-box unmolested.

the candidates for county and precinct offices who have received the highest number of votes. He also makes abstracts of the number of votes cast for all State and district offices, for members of the legislature, representatives in Congress and electors for President and Vice-President of the United States if these are voted for at this election, and forwards them to the secretary of State. This officer presents the abstracts, with the exception of that for the executive offices of the State government,<sup>1</sup> to the State board of canvassers.<sup>2</sup> This board examines the statements and determines which candidates have received the highest number of votes, and the secretary of State issues certificates of election in accordance with the decision of the board.

**144. Safeguards Against Fraud.**—In order to secure an honest expression of the people's choice in elections, many laws have been passed to protect electors and to prevent or punish corruption and evil practices. To prevent the casting of illegal votes each elector must be registered. A permanent register is kept by the county clerk for the registration of voters living within the limits of cities of the first and second classes. In this book is entered the name, address and description of the elector. Voters must be registered fifteen days before an election.

In other precincts the judges of election sit as a board of registration. Voters are privileged from arrest during their attendance at elections, except for treason, felony or breach of the peace. Another safeguard against illegal voting is that the vote of any elector may be challenged, in which case he is not allowed to vote, unless he takes an oath affirming his qualifications.

Polling places must not be within fifty feet of a saloon,

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<sup>1</sup> The General Assembly in joint session canvasses the vote for the executive offices of the State. The abstract of votes from the various counties is delivered to the speaker of the House by the secretary of State.

<sup>2</sup> See ¶ 1, page 42.

and all saloons must be closed on election day. No electioneering is allowed within one hundred feet of the polling place. Employés may, without loss of pay, take two hours in which to vote.

Each candidate is required to file with the county clerk within thirty days after the election, a sworn statement of the amount of money expended by him for election purposes, giving the names of the persons to whom the money was paid; and each party or campaign committee is required to file a similar statement showing in detail the amount of money received, and the purpose for which it was expended. These statements are published. The violation of these provisions is punishable by fine and imprisonment.

There are so many ways in which corruption in elections is possible, that the greatest care should be taken to frame and enforce strict laws to check it.

**145. Contested Elections.**—Where a candidate for office who has been declared defeated is not satisfied with the result, provision is made by law by which he may contest the election. This constitutes a valuable safeguard against fraudulent elections.

Contested elections for presidential elector or judge of the supreme court are tried before the supreme court, but no judge may decide his own case. Contests for district and county courts are tried before the district court. No judge may decide his own case. Contests for the State executive offices are heard by the General Assembly; each house is judge of the contested election of its own members. Contests for city offices are heard by the city council. All other contested elections are tried before the county judge.

**146. The Officer-Elect.**—The candidate who has received the certificate of election is the officer-elect. When the term for which his predecessor was elected or appointed has expired, and when he has qualified, by taking an oath

to support the Constitution of the United States and of the State of Colorado, and faithfully to discharge the duties of his office, and by filing the proper bond, he becomes a public officer.

Officers of the executive department and judge of the supreme and district courts and district attorneys file their oath of office with the secretary of State. All other officers file their oath of office with the county clerk of the county in which they are elected.

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## STUDIES ON ELECTIONS.

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1. What does the word politics mean?
2. What can one citizen do to secure good nominations?
3. How do people know who are elected, long before the boards of canvassers meet?
4. Should a person change his political principles while in office?
5. Make a ticket for the next general election.
6. Is bolting ever justifiable?
7. What advantages has election over appointment? What advantages has appointment over election?
8. Should school directors belong to the majority party? Why?
9. What is meant by the "Australian Ballot"?
10. How would you decide which of several candidates to vote for?
11. What is your opinion of "voting the straight ticket"?
12. What is your opinion of "voting for the best man"?
13. What do you mean by "voting for the issue"?

# CONSTITUTION

## OF THE

# STATE OF COLORADO.

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### PREAMBLE.

WE, the people of Colorado, with profound reverence for the Supreme Ruler of the Universe, in order to form a more independent and perfect government ; establish justice ; insure tranquillity ; provide for the common defense ; promote the general welfare and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the "State of Colorado."

### ARTICLE I.

#### BOUNDARIES.

The boundaries of the State of Colorado shall be as follows : Commencing on the thirty-seventh parallel of north latitude, where the twenty-fifth meridian of longitude west from Washington crosses the same ; thence north, on said meridian, to the forty-first parallel of north latitude ; thence, along said parallel, west to the thirty-second meridian of longitude west from Washington ; thence south on said meridian, to the thirty-seventh parallel of north latitude ; thence along said thirty-seventh parallel of north latitude, to the place of beginning.

### ARTICLE II.

#### BILL OF RIGHTS.

In order to assert our rights, acknowledge our duties, and proclaim the principles upon which our government is founded, we declare :

SECTION I. That all political power is vested in and derived from the people ; that all government, of right, originates from the people, is founded upon their will only, and is instituted solely for the good of the whole.



SEC. 2. That the people of this State have the sole and exclusive right of governing themselves, as a free, sovereign and independent State; and to alter and abolish their Constitution and form of government whenever they may deem it necessary to their safety and happiness; *Provided*, Such change be not repugnant to the Constitution of the United States.

SEC. 3. That all persons have certain natural, essential and inalienable rights, among which may be reckoned the right of enjoying and defending their lives and liberties; that of acquiring, possessing and protecting property; and of seeking and obtaining their safety and happiness.

SEC. 4. That the free exercise and enjoyment of religious profession and worship, without discrimination, shall forever hereafter be guaranteed; and no person shall be denied any civil or political right, privilege or capacity, on account of his opinions concerning religion; but the liberty of conscience hereby secured shall not be construed to dispense with oaths or affirmations, excuse acts of licentiousness, or justify practices inconsistent with the good order, peace or safety of the State. No person shall be required to attend or support any ministry or place of worship, religious sect, or denomination against his consent. Nor shall any preference be given by law to any religious denomination or mode of worship.

SEC. 5. That all elections shall be free and open; and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.

SEC. 6. That courts of justice shall be open to every person, and a speedy remedy afforded for every injury to person, property or character; and that right and justice should be administered without sale, denial or delay.

SEC. 7. That the people shall be secure in their persons, papers, homes and effects from unreasonable searches and seizures; and no warrant to search any place or seize any person or thing shall issue without describing the place to be searched, or the person or thing to be seized, as near as may be, nor without probable cause, supported by oath or affirmation reduced to writing.

SEC. 8. That until otherwise provided by law, no person shall, for a felony, be proceeded against criminally, otherwise than by indictment, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger. In all other cases, offenses shall be prosecuted criminally by indictment or information.

SEC. 9. That treason against the State can consist only in levying war against it, or in adhering to its enemies, giving them aid

and comfort; that no person can be convicted of treason unless on the testimony of two witnesses to the same overt act, or on his confession in open court; that no person can be attainted of treason or felony by the General Assembly; that no conviction can work corruption of blood or forfeiture of estate; that the estates of such persons as may destroy their own lives shall descend or vest as in cases of natural death.

SEC. 10. That no law shall be passed impairing the freedom of speech; that every person shall be free to speak, write or publish whatever he will on any subject, being responsible for all abuse of that liberty; and that in all suits and prosecutions for libel, the truth thereof may be given in evidence, and the jury, under the direction of the court, shall determine the law and the fact.

SEC. 11. That no *ex post facto* law, nor law impairing the obligation of contracts, or retrospective in its operation, or making any irrevocable grant of special privileges, franchises or immunities, shall be passed by the General Assembly.

SEC. 12. That no person shall be imprisoned for debt, unless upon refusal to deliver up his estate for the benefit of his creditors, in such manner as shall be prescribed by law, or in cases of tort or where there is a strong presumption of fraud.

SEC. 13. That the right of no person to keep and bear arms in defense of his home, person and property, or in aid of the civil power when thereto legally summoned, shall be called in question; but nothing herein contained shall be construed to justify the practice of carrying concealed weapons.

SEC. 14. That private property shall not be taken for private use unless by consent of the owner, except for private ways of necessity and except for reservoirs, drains, flumes or ditches on or across the lands of others, for agricultural, mining, milling, domestic or sanitary purposes.

SEC. 15. That private property shall not be taken or damaged, for public or private use, without just compensation. Such compensation shall be ascertained by a board of commissioners, of not less than three freeholders, or by a jury, when required by the owner of the property, in such manner as may be prescribed by law, and until the same shall be paid to the owner, or into court for the owner, the property shall not be needlessly disturbed, or the proprietary rights of the owner therein divested; and whenever an attempt is made to take private property for a use alleged to be public, the question whether the contemplated use be really public, shall be a judicial question, and determined as such without regard to any legislative assertion that the use is public

SEC. 16. That in criminal prosecutions the accused shall have the right to appear and defend in person and by counsel; to demand the nature and cause of the accusation; to meet the witnesses against him face to face; to have process to compel the attendance of witnesses in his behalf, and a speedy public trial by an impartial jury of the county or district in which the offense is alleged to have been committed.

SEC. 17. That no person shall be imprisoned for the purpose of securing his testimony in any case longer than may be necessary in order to take his deposition. If he can give security he shall be discharged; if he cannot give security, his deposition shall be taken by some judge of the supreme, district or county court, at the earliest time he can attend, at some convenient place by him appointed for that purpose, of which time and place the accused and the attorney prosecuting for the people, shall have reasonable notice. The accused shall have the right to appear in person and by counsel. If he have no counsel, the judge shall assign him one in that behalf only. On the completion of such examination the witness shall be discharged on his own recognizance, entered into before said judge, but such deposition shall not be used, if, in the opinion of the court, the personal attendance of the witness might be procured by the prosecution, or is procured by the accused. No exception shall be taken to such deposition as to matters of form.

SEC. 18. That no person shall be compelled to testify against himself in a criminal case, nor shall any person be twice put in jeopardy for the same offense. If the jury disagree, or if the judgment be arrested after the verdict, or if the judgment be reversed for error in law, the accused shall not be deemed to have been in jeopardy.

SEC. 19. That all persons shall be bailable by sufficient sureties, except for capital offenses, when the proof is evident or the presumption great.

SEC. 20. That excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

SEC. 21. That the privilege of the writ of *habeas corpus* shall never be suspended, unless when in case of rebellion or invasion, the public safety may require it.

SEC. 22. That the military shall always be in strict subordination to the civil power; that no soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war except in the manner prescribed by law.

SEC. 23. The right of trial by jury shall remain inviolate in

criminal cases, but a jury in civil cases in all courts, or in criminal cases in courts not of record, may consist of less than twelve men, as may be prescribed by law. Hereafter a grand jury shall consist of twelve men, any nine of whom concurring may find an indictment: *Provided*, The General Assembly may change, regulate or abolish the grand jury system.

SEC. 24. That the people have the right peaceably to assemble for the common good, and to apply to those invested with the powers of government for redress of grievances, by petition or remonstrance.

SEC. 25. That no person shall be deprived of life, liberty or property, without due process of law.

SEC. 26. That there shall never be in this State either slavery or involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted.

SEC. 27. Aliens, who are or may hereafter become *bona fide* residents of this State, may acquire, inherit, possess, enjoy and dispose of property, real and personal, as native born citizens.

SEC. 28. The enumeration in this Constitution of certain rights shall not be construed to deny, impair, or disparage others retained by the people.

### ARTICLE III.

#### DISTRIBUTION OF POWERS.

The powers of the government of this State are divided into three distinct departments—the legislative, executive and judicial—and no person, or collection of persons, charged with the exercise of powers properly belonging to one of these departments shall exercise any power properly belonging to either of the others except as in this Constitution expressly directed or permitted.

### ARTICLE IV.

#### EXECUTIVE DEPARTMENT.

SECTION 1. The Executive department shall consist of a Governor, Lieutenant-Governor, Secretary of State, Auditor of State, State Treasurer, Attorney-General, and Superintendent of Public Instruction, each of whom shall hold his office for the term of two years, beginning on the second Tuesday of January next after his election; *Provided*, That the terms of office of those chosen at the first election held under this Constitution shall begin on the day appointed for the first meeting of the General Assembly. The officers of the executive department, except the Lieutenant-Governor, shall, during their term of office, reside at the seat of govern-

ment, where they shall keep the public records, books and papers. They shall perform such duties as are prescribed by this Constitution or by law.

SEC. 2. The supreme executive power of the State shall be vested in the Governor, who shall take care that the laws be faithfully executed.

SEC. 3. The officers named in section one of this article shall be chosen on the day of the general election, by the qualified electors of the State. The returns of every election for said officers shall be sealed up and transmitted to the Secretary of State, directed to the Speaker of the House of Representatives, who shall immediately, upon the organization of the House, and before proceeding to other business, open and publish the same in the presence of a majority of the members of both Houses of the General Assembly, who shall, for that purpose, assemble in the House of Representatives. The person having the highest number of votes for either of said offices shall be declared duly elected, but if two or more have an equal and the highest number of votes for the same office, one of them shall be chosen thereto by the two Houses, on joint ballot. Contested elections for said offices shall be determined by the two Houses, on joint ballot, in such manner as may be prescribed by law.

SEC. 4. No person shall be eligible to the office of Governor, Lieutenant-Governor, or Superintendent of Public Instruction, unless he shall have attained the age of thirty years, nor to the office of Auditor of State, Secretary of State, or State Treasurer, unless he shall have attained the age of twenty-five years, nor to the office of Attorney-General unless he shall have attained the age of twenty-five years, and be a licensed attorney of the supreme court of the State, or of the Territory of Colorado, in good standing. At the first election under this Constitution, any person being a qualified elector at the time of the adoption of this Constitution, and having the qualifications above herein prescribed for any one of said offices, shall be eligible thereto; but thereafter no person shall be eligible to any one of said offices, unless, in addition to the qualifications above prescribed therefor, he shall be a citizen of the United States, and have resided within the limits of the State two years next preceding his election.

SEC. 5. The Governor shall be Commander-in-chief of the military forces of the State, except when they shall be called into actual service of the United States. He shall have power to call out the militia to execute the laws, suppress insurrection or repel invasion.

SEC. 6. The Governor shall nominate, and by and with the consent of the Senate, appoint all officers whose offices are established by this Constitution, or which may be created by law, and whose appointment or election is not otherwise provided for, and may remove any such officer for incompetency, neglect of duty or malfeasance in office. If, during the recess of the Senate, a vacancy occur in any such office, the Governor shall appoint some fit person to discharge the duties thereof until the next meeting of the Senate, when he shall nominate some person to fill such office. If the office of Auditor of State, State Treasurer, Secretary of State, Attorney-General, or Superintendent of Public Instruction, shall be vacated by death, resignation, or otherwise, it shall be the duty of the Governor to fill the same by appointment, and the appointee shall hold his office until his successor shall be elected and qualified in such manner as may be provided by law. The Senate, in deliberating upon executive nominations, may sit with closed doors, but in acting upon nominations they shall sit with open doors, and the vote shall be taken by ayes and noes, which shall be entered upon the journal.

SEC. 7. The Governor shall have power to grant reprieves, commutations and pardons after conviction, for all offenses except treason, and except in case of impeachment, subject to such regulations as may be prescribed by law relative to the manner of applying for pardons, but he shall in every case where he may exercise this power, send to the General Assembly, at its first session thereafter, a transcript of the petition, all proceedings, and the reasons for his action.

SEC. 8. The Governor may require information in writing from the officers of the executive department upon any subject relating to the duties of their respective offices, which information shall be given upon oath whenever so required; he may also require information in writing at any time, under oath, from all officers and managers of State institutions, upon any subject relating to the condition, management and expenses of their respective offices and institutions. The Governor shall, at the commencement of each session and from time to time, by message, give to the General Assembly information of the condition of the State and shall recommend such measures as he shall deem expedient. He shall also send to the General Assembly a statement with vouchers, of the expenditures of all moneys belonging to the State and paid out by him. He shall also, at the commencement of each session, present estimates of the amount of money required to be raised by taxation for all purposes of the State.

SEC. 9. The Governor may, on extraordinary occasions, convene the General Assembly, by proclamation, stating therein the purpose for which it is to assemble; but at such special session no business shall be transacted other than that specially named in the proclamation. He may, by proclamation, convene the Senate in extraordinary session for the transaction of executive business.

SEC. 10. The Governor, in case of a disagreement between the two Houses as to the time of adjournment, may, upon the same being certified to him, by the House last moving adjournment, adjourn the General Assembly to a day not later than the first day of the next regular session.

SEC. 11. Every bill passed by the General Assembly shall, before it becomes a law, be presented to the Governor. If he approve, he shall sign it, and thereupon it shall become a law; but if he do not approve, he shall return it with his objections to the House in which it originated, which House shall enter the objections at large upon its journal, and proceed to reconsider the bill. If then, two-thirds of the members elected agree to pass the same, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of the members elected to that House, it shall become a law, notwithstanding the objections of the Governor. In all such cases the vote of each House shall be determined by ayes and noes, to be entered upon the journal. If any bill shall not be returned by the Governor within ten days after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the General Assembly shall, by their adjournment, prevent its return, in which case it shall be filed, with his objections, in the office of the Secretary of State within thirty days after such adjournment, or else become a law.

SEC. 12. The Governor shall have power to disapprove of any item or items of any bill making appropriations of money, embracing distinct items, and the part or parts of the bill approved shall be law, and the item or items disapproved shall be void, unless enacted in manner following: If the General Assembly be in session, he shall transmit to the House in which the bill originated a copy of the item or items thereof disapproved, together with his objections thereto, and the items objected to shall be separately reconsidered, and each item shall then take the same course as is prescribed for the passage of bills over the executive veto.

LIEUTENANT-GOVERNOR.

SEC. 13. In case of the death, impeachment, or conviction of

felony or infamous misdemeanor, failure to qualify, resignation, absence from the State, or other disability of the Governor, the powers, duties and emoluments of the office, for the residue of the term, or until the disability be removed, shall devolve upon the Lieutenant-Governor.

SEC. 14. The Lieutenant-Governor shall be President of the Senate, and shall vote only when the Senate is equally divided. In case of the absence, impeachment, or disqualification from any cause of the Lieutenant-Governor, or when he shall hold the office of Governor, then the President *pro tempore* of the Senate shall perform the duties of the Lieutenant-Governor, until the vacancy is filled or the disability removed.

SEC. 15. In case of the failure to qualify in his office, death, resignation, absence from the State, impeachment, conviction of felony or infamous misdemeanor, or disqualification from any cause, of both the Governor and Lieutenant-Governor, the duties of the Governor shall devolve on the President of the Senate *pro tempore*, until such disqualification of either the Governor or Lieutenant-Governor be removed, or the vacancy be filled; and if the President of the Senate, for any of the above-named causes, shall become incapable of performing the duties of Governor, the same shall devolve upon the Speaker of the House.

SEC. 16. An account shall be kept by the officers of the executive department and of all public institutions of the State, of all moneys received by them severally from all sources, and for every service performed, and of all moneys disbursed by them severally, and a semi-annual report thereof shall be made to the Governor, under oath.

SEC. 17. The officers of the executive department, and of all public institutions of the State, shall at least twenty days preceding each regular session of the General Assembly, make full and complete reports of their actions to the Governor, who shall transmit the same to the General Assembly.

SEC. 18. There shall be a seal of the State, which shall be kept by the Secretary of State, and shall be called the "Great Seal of the State of Colorado." The seal of the Territory of Colorado as now used shall be the seal of the State until otherwise provided by law.

SEC. 19. The officers named in section one of this article shall receive for their services a salary to be established by law, which shall not be increased or diminished during their official terms. It shall be the duty of all such officers to collect in advance all fees prescribed by law for services rendered by them severally, and pay the same into the State Treasury.



SEC. 20. The Superintendent of Public Instruction shall be *ex officio* State Librarian.

SEC. 21. Neither the State Treasurer nor State Auditor shall be eligible for re-election as his own immediate successor.

## ARTICLE V.

### LEGISLATIVE DEPARTMENT.

SECTION 1. The *legislative power* shall be vested in the *General Assembly*, which shall consist of a *Senate* and *House of Representatives*, both to be *elected by the people*.

SEC. 2. An election for members of the General Assembly shall be held on the first Tuesday in October, in the years of our Lord 1876 and 1878, and in each alternate year thereafter, on such day, at such places in each county as now are or hereafter may be provided by law. The first election for members of the General Assembly under the State organization shall be conducted in the manner prescribed by the laws of Colorado Territory regulating elections for members of the legislative assembly thereof. When vacancies occur in either House, the Governor, or person exercising the powers of Governor, shall issue writs of election to fill such vacancies.

SEC. 3. Senators shall be elected for the term of four years except as hereinafter provided, and Representatives for the term of two years.

SEC. 4. No person shall be a Representative or Senator who shall not have attained the age of twenty-five years, who shall not be a citizen of the United States, who shall not for at least twelve months next preceding his election have resided within the territory included in the limits of the county or district in which he shall be chosen; *Provided*, That any person who, at the time of the adoption of this Constitution, was a qualified elector under the Territorial laws, shall be eligible to the first General Assembly.

SEC. 5. The Senators at their first session, shall be divided into two classes. Those elected in districts designated by even numbers shall constitute one class; those elected in districts designated by odd numbers shall constitute the other class, except that Senators elected in each of the districts having more than one Senator shall be equally divided between the two classes. The Senators of one class shall hold for two years; those of the other class shall hold for four years—to be decided by lot between the two classes, so that one-half of the Senators, as near as practicable, may be biennially chosen forever thereafter.

SEC. 6. Each member of the General Assembly, until otherwise provided by law, shall receive as compensation for his services, seven dollars (\$7.00) for each day's attendance and fifteen (15) cents for each mile necessarily traveled in going to and returning from the seat of government, and shall receive no other compensation, perquisite, or allowance whatsoever. No session of the General Assembly shall exceed ninety days. No General Assembly shall fix its own compensation.

SEC. 7. The General Assembly shall meet at 12 o'clock, noon, on the first Wednesday in November, A. D. 1876, and at 12 o'clock, noon, on the first Wednesday in January, A. D. 1879, and at 12 o'clock, noon, on the first Wednesday in January of each alternate year forever thereafter, and at other times when convened by the Governor. The term of service of the members thereof shall begin on the first Wednesday of November next after their election, until otherwise provided by law.

SEC. 8. No Senator or Representative shall, during the time for which he shall have been elected, be appointed to any civil office under this State; and no member of Congress, or other person holding any office (except of attorney-at-law, notary public, or in the militia) under the United States or this State, shall be a member of either House during his continuance in office.

SEC. 9. No member of either House shall, during the term for which he may have been elected, receive any increase of salary or mileage, under any law passed during such term.

SEC. 10. The Senate shall, at the beginning and close of each regular session and at such other times as may be necessary, elect one of its members President *pro tempore*. The House of Representatives shall elect one of its members as Speaker. Each House shall choose its other officers, and shall judge of the election and qualification of its members.

SEC. 11. A majority of each House shall constitute a quorum, but a smaller number may adjourn from day to day, and compel the attendance of absent members.

SEC. 12. Each House shall have power to determine the rules of its proceedings and punish its members or other persons for contempt or disorderly behavior in its presence; to enforce obedience to its process; to protect its members against violence, or offers of bribes or private solicitation, and, with the concurrence of two-thirds, to expel a member, but not a second time for the same cause, and shall have all other powers necessary for the legislature of a free State. A member expelled for corruption shall not thereafter be eligible to either House of the same General Assembly,

and punishment for contempt or disorderly behavior shall not bar an indictment for the same offense.

SEC. 13. Each House shall keep a journal of its proceedings, and may in its discretion, from time to time, publish the same, except such parts as require secrecy, and the ayes and noes on any question shall, at the desire of any two members, be entered on the journal.

SEC. 14. The sessions of each House, and of the committees of the whole, shall be open, unless when the business is such as ought to be kept secret.

SEC. 15. Neither House shall without the consent of the other adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

SEC. 16. The members of the General Assembly shall in all cases except treason, felony, violation of their oath of office, and breach or surety of the peace, be privileged from arrest during their attendance at the sessions of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House they shall not be questioned in any other place.

SEC. 17. No law shall be passed except by bill, and no bill shall be so altered or amended on its passage through either House as to change its original purpose.

SEC. 18. The style of the laws of this State shall be: *Be it enacted by the General Assembly of the State of Colorado.*"

SEC. 19. No act of the General Assembly shall take effect until ninety days after its passage (except in cases of emergency, which shall be expressed in the act), unless the General Assembly shall, by a vote of two-thirds of all the members elected to each House, otherwise direct. No bill, except the general appropriation bill for the expenses of the government only, which shall be introduced in either House of the General Assembly after the first thirty days of the session, shall become a law.

SEC. 20. No bill shall be considered or become a law unless referred to a committee, returned therefrom, and printed for the use of the members.

SEC. 21. No bill except general appropriation bills shall be passed containing more than one subject, which shall be clearly expressed in its title; but if any subject shall be embraced in any act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be so expressed.

SEC. 22. Every bill shall be read by title when introduced, and at length on two different days in each House; all substantial amendments made thereto, shall be printed for the use of the

members before the final vote is taken on the bill ; and no bill shall become a law except by vote of a majority of all the members elected to each House, nor unless on its final passage the vote be taken by ayes and noes, and the names of those voting be entered on the journal.

SEC. 23. No amendment to any bill by one House shall be concurred in by the other, nor shall the report of any committee of conference be adopted in either House except by a vote of a majority of the members elected thereto, taken by ayes and noes, and the names of those voting recorded upon the journal thereof.

SEC. 24. No law shall be revived, or amended, or the provisions thereof extended or conferred by reference to its title only, but so much thereof as is revived, amended, extended or conferred, shall be re-enacted and published at length.

SEC. 25. The General Assembly shall not pass local or special laws in any of the following enumerated cases, that is to say : for granting divorces ; laying out, opening, altering or working roads or highways ; vacating roads, town plats, streets, alleys and public grounds ; locating or changing county seats ; regulating county or township affairs ; regulating the practice in courts of justice ; regulating the jurisdiction and duties of justices of the peace, police magistrates and constables ; changing the rules of evidence in any trial or inquiry ; providing for changes of venue in civil or criminal cases ; declaring any person of age ; for limitation of civil actions or giving effect to informal or invalid deeds ; summoning or impanelling grand or petit juries ; providing for the management of common schools ; regulating the rate of interest on money ; the opening or conducting of any election, or designating the place of voting ; the sale or mortgage of real estate belonging to minors or others under disability ; the protection of game or fish ; chartering or licensing ferries or toll bridges ; remitting fines, penalties or forfeitures ; creating, increasing or decreasing fees, percentage or allowances of public officers ; changing the law of descent ; granting to any corporation, association or individual the right to lay down railroad tracks ; granting to any corporation, association or individual any special or exclusive privilege, immunity or franchise whatever. In all other cases, where a general law can be made applicable, no special law shall be enacted.

SEC. 26. The presiding officer of each House shall, in the presence of the House over which he presides, sign all bills and joint resolutions passed by the General Assembly, after their titles shall have been publicly read, immediately before signing ; and the fact of the signing shall be entered on the journal.

SEC. 27. The General Assembly shall prescribe by law the number, duties and compensation of the officers and employes of each House ; and no payment shall be made from the State Treasury, or be in any way authorized to any person, except to an acting officer or employe elected or appointed in pursuance of law.

SEC. 28. No bill shall be passed giving any extra compensation to any public officer, servant or employe, agent or contractor, after services shall have been rendered or contract made, nor providing for the payment of any claim made against the State without previous authority of law.

SEC. 29. All stationery, printing, paper and fuel used in the legislative and other departments of government, shall be furnished ; and the printing and binding and distributing of the laws, journals, department reports, and other printing and binding ; and the repairing and furnishing the halls and rooms used for the meeting of the General Assembly and its committees, shall be performed under contract ; to be given to the lowest responsible bidder, below such maximum price and under such regulations as may be prescribed by law. No member or officer of any department of the government shall be in any way interested in any such contract ; and all such contracts shall be subject to the approval of the Governor and State Treasurer.

SEC. 30. Except as otherwise provided in this Constitution, no law shall extend the term of any public officer, or increase or diminish his salary or emoluments after his election or appointment ; *Provided*, That on and after the first day of March, A. D. 1881, the salaries of the following designated public officers, including those thereof who may then be incumbents of such offices, shall be as herein provided, viz. : The Governor shall receive an annual salary of five thousand dollars, and the further sum of fifteen hundred dollars for the payment of a private secretary. The judges of the supreme courts shall each receive an annual salary of five thousand dollars. The judges of the district courts shall each receive an annual salary of four thousand dollars.

SEC. 31. All bills for raising revenue shall originate in the House of Representatives ; but the Senate may propose amendments, as in case of other bills.

SEC. 32. The general appropriation bill shall embrace nothing but appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, interest on the public debt and for public schools. All other appropriations shall be made by separate bills, each embracing but one subject.

SEC. 33. No money shall be paid out of the treasury except

upon appropriations made by law, and on warrant drawn by the proper officer in pursuance thereof.

SEC. 34. No appropriation shall be made for charitable, industrial, educational or benevolent purposes, to any person, corporation or community not under the absolute control of the State, nor to any denominational or sectarian institution or association.

SEC. 35. The General Assembly shall not delegate to any special commission, private corporation or association, any power to make, supervise or interfere with any municipal improvement, money, property or effects, whether held in trust or otherwise, or to levy taxes, or perform any municipal function whatever.

SEC. 36. No act of the General Assembly shall authorize the investment of trust funds by executors, administrators, guardians, or other trustees, in the bonds or stock of any private corporation.

SEC. 37. The power to change the venue in civil and criminal cases shall be vested in the courts, to be exercised in such manner as shall be prescribed by law.

SEC. 38. No obligation or liability of any person, association or corporation, held or owned by the State, or any municipal corporation therein, shall ever be exchanged, transferred, remitted, released, or postponed, or in any way diminished, by the General Assembly, nor shall such liability or obligation be extinguished except by payment thereof into the proper treasury.

SEC. 39. Every order, resolution or vote to which the concurrence of both Houses may be necessary, except on the question of adjournment, of relating solely to the transaction of business of the two Houses, shall be presented to the Governor, and before it shall take effect, be approved by him, or being disapproved, shall be re-passed by two-thirds of both Houses, according to the rules and limitations prescribed in the case of a bill.

SEC. 40. If any person elected to either House of the General Assembly shall offer or promise to give his vote or influence in favor of or against any measure or proposition, pending or proposed to be introduced in the General Assembly, in consideration or upon condition that any other person elected to the same General Assembly will give, or will promise, or assent to give his vote or influence in favor of or against any other measure or proposition, pending or proposed to be introduced in such General Assembly, the person making such offer or promise shall be deemed guilty of solicitation of bribery. If any member of the General Assembly shall give his vote or influence for or against any measure or proposition pending in such General Assembly, or offer, promise or assent so to do, upon condition that any other member will give or

will promise, or assent to give his vote or influence in favor of or against any other measure or proposition pending or proposed to be introduced in such General Assembly, or in consideration that any other member hath given his vote or influence for or against any other measure or proposition in such General Assembly, he shall be deemed guilty of bribery, and any member of the General Assembly, or person elected thereto, who shall be guilty of either of such offenses shall be expelled, and shall not be thereafter eligible to the same General Assembly; and on conviction thereof in the civil courts shall be liable to such further penalty as may be prescribed by law.

SEC. 41. Any person who shall directly or indirectly offer, give or promise any money or thing of value, testimonial, privilege, or personal advantage to any executive or judicial officer or member of the General Assembly, to influence him in the performance of any of his public or official duties, shall be deemed guilty of bribery, and be punished in such manner as shall be provided by law.

SEC. 42. The offense of corrupt solicitation of members of the General Assembly, or of public officers of the State, or of any municipal division thereof, and any occupation or practice of solicitation of such members or officers, to influence their official action, shall be defined by law, and shall be punished by fine and imprisonment.

SEC. 43. A member who has a personal or private interest in any measure or bill proposed or pending before the General Assembly, shall disclose the fact to the House of which he is a member, and shall not vote thereon.

#### CONGRESSIONAL AND LEGISLATIVE APPORTIONMENTS.

SEC. 44. One representative in the Congress of the United States shall be elected from the State at large, at the first election under this Constitution, and thereafter at such times and places, and in such manner as may be prescribed by law. When a new apportionment shall be made by Congress, the General Assembly shall divide the State into congressional districts accordingly.

SEC. 45. The General Assembly shall provide by law for an enumeration of the inhabitants of the State in the year of our Lord 1885, and every tenth year thereafter; and at the session next following such enumeration, and also at the session next following an enumeration made by the authority of the United States, shall revise and adjust the apportionment for Senators and Representatives on the basis of such enumeration, according to ratios to be fixed by law.

SEC. 46. The Senate shall consist of twenty-six, and the House of Representatives of forty-nine members, which number shall not be increased until the year of our Lord one thousand eight hundred and ninety, after which time the General Assembly may increase the number of Senators and Representatives, preserving as near as may be the present proportion as to the number in each House; *Provided*, That the aggregate number of Senators and Representatives shall never exceed one hundred.<sup>1</sup>

SEC. 47. Senatorial and representative districts may be altered from time to time, as public convenience may require. When a senatorial or representative district shall be composed of two or more counties, they shall be contiguous, and the district as compact as may be. No county shall be divided in the formation of a senatorial or representative district.

SEC. 48. Until the State shall be divided into senatorial districts, in accordance with the provisions of this article, said districts shall be constituted and numbered as follows:

The county of Weld shall constitute the first district, and be entitled to one Senator.

The county of Larimer shall constitute the second district, and be entitled to one Senator.

The county of Boulder shall constitute the third district, and be entitled to two Senators.

The county of Gilpin shall constitute the fourth district, and be entitled to one Senator.

The counties of Gilpin, Summit and Grand shall constitute the fifth district, and be entitled to one Senator.

The county of Clear Creek shall constitute the sixth district, and be entitled to two Senators.

The county of Jefferson shall constitute the seventh district, and be entitled to one Senator.

The county of Arapahoe shall constitute the eighth district, and be entitled to four Senators.

The counties of Elbert and Bent shall constitute the ninth district, and be entitled to one Senator.

The county of El Paso shall constitute the tenth district, and be entitled to one Senator.

The county of Douglas shall constitute the eleventh district, and be entitled to one Senator.

The county of Park shall constitute the twelfth district, and be entitled to one Senator.

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<sup>1</sup> See note 2, page 30.



The counties of Lake and Saguache shall constitute the thirteenth district, and be entitled to one Senator.

The county of Fremont shall constitute the fourteenth district, and be entitled to one Senator.

The county of Pueblo shall constitute the fifteenth district, and be entitled to one Senator.

The county of Huerfano shall constitute the sixteenth district, and be entitled to one Senator.

The county of Las Animas shall constitute the seventeenth district, and be entitled to two Senators.

The county of Costilla shall constitute the eighteenth district, and be entitled to one Senator.

The county of Conejos shall constitute the nineteenth district, and be entitled to one Senator.

The counties of Rio Grande, Hinsdale, La Plata and San Juan shall constitute the twentieth district, and be entitled to one Senator.

SEC. 49. Until an apportionment of Representatives be made in accordance with the provisions of this article, they shall be divided among the several counties of the State in the following manner: The county of Arapahoe shall have seven; the counties of Boulder and Clear Creek, each, four; the counties of Gilpin and Las Animas, each, three; the counties of El Paso, Fremont, Huerfano, Jefferson, Pueblo and Weld, each, two; the counties of Bent, Costilla, Conejos, Douglas, Elbert, Grand, Hinsdale, Larimer, La Plata, Lake, Park, Rio Grande, Summit, Saguache and San Juan, each, one; and the counties of Costilla and Conejos, jointly, one.

## ARTICLE VI.

### JUDICIAL DEPARTMENT.

SECTION 1. The judicial power of the State as to matters of law and equity, except as in the Constitution otherwise provided, shall be vested in a supreme court, district courts, county courts, justices of the peace, and such other courts as may be provided by law.

### SUPREME COURT.

SEC. 2. The supreme court, except as otherwise provided in this Constitution, shall have appellate jurisdiction only, which shall be co-extensive with the State, and shall have a general superintending control over all inferior courts, under such regulations and limitations as may be prescribed by law.

SEC. 3. It shall have power to issue writs of *habeas corpus*,

*mandamus, quo warranto, certiorari*, injunction, and other original and remedial writs, with authority to hear and determine the same; and each judge of the supreme court shall have like power and authority as to writs of *habeas corpus*. The supreme court shall give its opinion upon important questions upon solemn occasions when required by the Governor, the Senate, or the House of Representatives; and all such opinions shall be published in connection with the reported decisions of said court.

SEC. 4. At least two terms of the supreme court shall be held each year at the seat of government.

SEC. 5. The supreme court shall consist of three judges, a majority of whom shall be necessary to form a quorum or pronounce a decision.

SEC. 6. The judges of the supreme court shall be elected by the electors of the State at large as hereinafter provided.

SEC. 7. The term of office of the judges of the supreme court, except as in this article otherwise provided, shall be nine years.

SEC. 8. The judges of the supreme court shall immediately after the first election under this Constitution be classified by lot so that one shall hold his office for the term of three years, one for the term of six years, and one for the term of nine years. The lot shall be drawn by the judges, who shall for that purpose assemble at the seat of government, and they shall cause the result thereof to be certified to the Secretary of the Territory, and filed in his office. The judge having the shortest term to serve, not holding his office by appointment or election to fill a vacancy, shall be the chief justice, and shall preside at all terms of the supreme court, and, in case of his absence, the judge having in like manner the next shortest term to serve shall preside in his stead.

SEC. 9. There shall be a clerk of the supreme court, who shall be appointed by the judges thereof, and shall hold his office during the pleasure of said judges, and whose duties and emoluments shall be as prescribed by law, and by the rules of the supreme court.

SEC. 10. No person shall be eligible to the office of judge of the supreme court unless he be learned in the law, be at least thirty years of age, and a citizen of the United States, nor unless he shall have resided in this State or Territory at least two years next preceding his election.

#### DISTRICT COURTS.

SEC. 11. The district courts shall have original jurisdiction of all causes, both at law and in equity, and such appellate jurisdiction as may be conferred by law. They shall have original juris-

diction to determine all controversies upon relation of any person on behalf of the people, concerning the rights, duties and liabilities of railroad, telegraph or toll-road companies or corporations.

SEC. 12. The State shall be divided into judicial districts, in each of which there shall be elected by the electors thereof, one or more judges of the district court therein, as may be provided by law, whose terms of office shall be six years; the judges of the district courts may hold courts for each other, and shall do so when required by law, and the General Assembly may, by law, provide for the selection or election of a suitable person to preside in the trial of causes in special cases.

SEC. 13. Until otherwise provided by law, said districts shall be four in number, and constituted as follows, viz:

*First District.*—The counties of Boulder, Jefferson, Gilpin, Clear Creek, Summit and Grand.

*Second District.*—The counties of Arapahoe, Douglas, Elbert, Weld and Larimer.

*Third District.*—The counties of Park, El Paso, Fremont, Pueblo, Bent, Las Animas and Huerfano.

*Fourth District.*—The counties of Costilla, Conejos, Rio Grande, San Juan, La Plata, Hinsdale, Saguache and Lake.<sup>1</sup>

SEC. 14. The General Assembly may (whenever two-thirds of the members of each house shall concur therein) increase or diminish the number of judges for any district, or increase or diminish the number of judicial districts, and the judges thereof. Such districts shall be formed of compact territory, and bounded by county lines; but such increase, diminution or change in the boundaries of a district shall not work the removal of any judge from his office during the term for which he shall have been elected or appointed.

SEC. 15. The judges of the district court first elected shall be chosen at the first general election. The General Assembly may provide that, after the year eighteen hundred and seventy-eight, the election of the judges of the supreme, district and county courts, and the district attorneys, or any of them, shall be on a different day from that on which an election is held for any other purpose, and for that purpose may extend or abridge the term of office of any such officers then holding, but not in any case more than six months. Until otherwise provided by law, such officers shall be elected at the time of holding the general elections. The terms of office of all judges of the district court elected in the sev-

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<sup>1</sup> See note 1, page 50.

eral districts throughout the State, shall expire on the same day ; and the terms of office of the district attorneys elected in the several districts throughout the State shall, in like manner, expire on the same day.

SEC. 16. No person shall be eligible to the office of district judge unless he be learned in the law, be at least thirty years old, and a citizen of the United States, nor unless he shall have resided in the State or Territory at least two years next preceding his election, nor unless he shall, at the time of his election, be an elector within the judicial district for which he is elected ; *Provided*, That at the first election any person of the requisite age and learning, and who is an elector of the Territory of Colorado, under the laws thereof, at the time of the adoption of this Constitution, shall be eligible to the office of judge of the district court of the judicial district within which he is an elector.

SEC. 17. The time of holding courts within the said districts shall be as provided by law, but at least one term of the district court shall be held annually in each county, except in such counties as may be attached, for judicial purposes, to another county, wherein such courts are so held. This shall not be construed to prevent the holding of special terms, under such regulations as may be provided by law.

SEC. 18. The judges of the supreme and district courts shall each receive such salary as may be provided by law, and no such judge shall receive any other compensation, perquisite or emolument for or on account of his office, in any form whatever, nor act as attorney or counsellor at law.

SEC. 19. There shall be a clerk of the district court in each county wherein a term is held, who shall be appointed by the judge of the district, to hold his office during the pleasure of the judge. His duties and compensation shall be as provided by law and regulated by the rules of the court.

Sec. 20. Until the General Assembly shall provide by law for fixing the terms of the courts aforesaid, the judges of the supreme and district courts, respectively, shall fix the terms thereof.

#### DISTRICT ATTORNEYS.

SEC. 21. There shall be elected by the qualified electors of each judicial district, at each regular election for judges of the supreme court, a district attorney for such district, whose term of office shall be three years, and whose duties and compensations shall be as provided by law. No person shall be eligible to the office of dis-

trict attorney who shall not, at the time of his election, be at least twenty-five years of age, and possess all the other qualifications for judges of district courts, as prescribed in this article.

#### COUNTY COURTS.

SEC. 22. There shall be elected at the general election in each organized county in the year eighteen hundred and seventy-seven, and every three years thereafter, except as otherwise provided in this article, a county judge, who shall be judge of the county court of said county, whose term of office shall be three years, and whose compensation shall be as may be provided by law.

SEC. 23. County courts shall be courts of record and shall have original jurisdiction in all matters of probate, settlement of estates of deceased persons, appointment of guardians, conservators and administrators, and settlement of their accounts, and such other civil and criminal jurisdiction as may be conferred by law; *Provided*, Such courts shall not have jurisdiction in any case where the debt, damage or claim, or value of property involved, shall exceed two thousand dollars, except in cases relating to the estates of deceased persons.

Appeals may be taken from county to district courts, or to the supreme court, in such cases and in such manner as may be prescribed by law. Writs of error shall lie from the supreme court to every final judgment of the county court. No appeal shall lie to the district court from any judgment given upon an appeal from a justice of the peace.

#### CRIMINAL COURT.

SEC. 24. The General Assembly shall have power to create and establish a criminal court in each county having a population exceeding fifteen thousand, which court may have concurrent jurisdiction with the district courts in all criminal cases not capital; the term of such courts to be as provided by law.<sup>1</sup>

#### JUSTICES OF THE PEACE.

SEC. 25. Justices of the peace shall have such jurisdiction as may be conferred by law; but they shall not have jurisdiction of any case wherein the value of the property or the amount in controversy exceeds the sum of three hundred dollars, nor where the boundaries or title to real property shall be called in question.

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<sup>1</sup> See § 55, page 51.

## POLICE MAGISTRATES.

SEC. 26. The General Assembly shall have power to provide for creating such police magistrates for cities and towns as may be deemed from time to time necessary or expedient; who shall have jurisdiction of all cases arising under the ordinances of such cities and towns respectively.

## MISCELLANEOUS.

SEC. 27. The judges of courts of record, inferior to the supreme court, shall on or before the first day in July in each year, report in writing to the judges of the supreme court such defects and omissions in the laws as their knowledge and experience may suggest, and the judges of the supreme court shall, on or before the first day of December of each year, report in writing to the Governor, to be by him transmitted to the General Assembly, together with his message, such defects and omissions in the Constitution and laws as they may find to exist, together with appropriate bills for curing the same.

SEC. 28. All laws relating to courts shall be general and of uniform operation throughout the State; and the organization, jurisdiction, powers, proceedings and practice of all the courts of the same class or grade, so far as regulated by law, and the force and effect of the proceedings, judgments and decrees of such courts severally, shall be uniform.

SEC. 29. All officers provided for in this article, excepting judges of the supreme court, shall respectively reside in the district, county, precinct, city or town for which they may be elected or appointed. Vacancies occurring in any of the offices provided for in this article shall be filled by appointment as follows: Of judges of the supreme and district courts, by the Governor; of district attorneys, by the judge of the court of the district for which such attorney was elected; and of all other judicial officers, by the Board of County Commissioners of the county wherein the vacancy occurs. Judges of the supreme, district and county courts appointed under the provisions of this section shall hold office until the next general election and until their successors elected thereat shall be duly qualified.

SEC. 30. All process shall run in the name of "The People of the State of Colorado," all prosecutions shall be carried on in the name and by the authority of "The People of the State of Colorado," and conclude, "against the peace and dignity of the same."

## ARTICLE VII.

## SUFFRAGE AND ELECTIONS.

SECTION 1. Every male person over the age of twenty-one years possessing the following qualifications, shall be entitled to vote at all elections.

*First*—He shall be a citizen of the United States, or, not being a citizen of the United States, he shall have declared his intention, according to law, to become such citizen, not less than four months before he offers to vote.

*Second*—He shall have resided in the State six months immediately preceding the election at which he offers to vote, and in the county, city, town, ward or precinct, such time as may be prescribed by law; *Provided*, That no person shall be denied the right to vote at any school district election, nor to hold any school district office, on account of sex.

SEC. 2. The General Assembly shall, at the first session thereof, and may at any subsequent session, enact laws to extend the right of suffrage to women of lawful age, and otherwise qualified according to the provisions of this article.<sup>1</sup> No such enactment shall be of effect until submitted to the vote of the qualified electors at a general election, nor unless the same be approved by a majority of those voting thereon.

SEC. 3. The General Assembly may prescribe by law an educational qualification for electors; but no such law shall take effect prior to the year of our Lord one thousand eight hundred and ninety (1890), and no qualified elector shall be thereby disqualified.

SEC. 4. For the purpose of voting and eligibility to office, no person shall be deemed to have gained a residence by reason of his presence, or lost it by reason of his absence, while in the civil or military service of the State, or of the United States, nor while a student at any institution of learning, nor while kept at public expense in any poor-house or other asylum, nor while confined in public prison.

SEC. 5. Voters shall in all cases, except treason, felony or breach of the peace, be privileged from arrest during their attendance at elections, and in going to and returning therefrom.

SEC. 6. No person except a qualified elector shall be elected or appointed to any civil or military office in the State.

SEC. 7. The general election shall be held on the first Tuesday

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<sup>1</sup> The right of suffrage was extended to women in 1893. See § 31, page 29.

in October in the years of our Lord eighteen hundred and seventy-six, eighteen hundred and seventy-seven, and eighteen hundred and seventy-eight, and annually thereafter on such day as may be prescribed by law.<sup>1</sup>

SEC. 8. All elections by the people shall be by ballot; every ballot voted shall be numbered in the order in which it shall be received, and the number be recorded by the election officers on the list of voters opposite the name of the voter who presents the ballot. The election officers shall be sworn or affirmed not to enquire or disclose how any elector shall have voted. In all cases of contested elections the ballots cast may be counted, compared with the list of voters, and examined under such safeguards and regulations as may be prescribed by law.

SEC. 9. In trials of contested elections and for offenses arising under the election law no person shall be permitted to withhold his testimony on the ground that it may criminate himself, or subject him to public infamy; but such testimony shall not be used against him in any judicial proceeding, except for perjury in giving such testimony.

SEC. 10. No person while confined in any public prison shall be entitled to vote; but every such person who was a qualified elector prior to such imprisonment, and who is released therefrom by virtue of a pardon, or by virtue of having served out his full term of imprisonment, shall, without further action, be invested with all the rights of citizenship, except as otherwise provided in this Constitution.

SEC. 11. The General Assembly shall pass laws to secure the purity of elections, and guard against abuses of the elective franchise.

SEC. 12. The General Assembly shall, by general law, designate the courts and judges by whom the several classes of election contests, not herein provided for, shall be tried, and regulate the manner of trial, and all matters incident thereto; but no such law shall apply to any contest arising out of an election held before its passage.

## ARTICLE VIII.

### STATE INSTITUTIONS.

SECTION 1. Educational, reformatory and penal institutions, and those for the benefit of the insane, blind, deaf and mute, and such other institutions as the public good may require, shall be

<sup>1</sup> The first Tuesday after the first Monday in November has been prescribed by law as the day on which the general election shall be held.



established and supported by the State, in such manner as may be prescribed by law.

SEC. 2. The General Assembly shall have no power to change or locate the seat of government of the State, but shall at its first session subsequent to the year of our Lord one thousand eight hundred and eighty, provide by law for submitting the question of the permanent location of the seat of government to the qualified electors of the State, at the general election then next ensuing, and a majority of all the votes upon said question cast at said election shall be necessary to determine the location thereof. Said General Assembly shall also provide that in case there shall be no choice of location at said election, the question of choice between the two places for which the highest number of votes shall have been cast shall be submitted in like manner to the qualified electors of the State at the next general election; *Provided*, That until the seat of government shall have been permanently located as herein provided, the temporary location thereof shall remain at the city of Denver.

SEC. 3. When the seat of government shall have been located as herein provided, the location thereof shall not thereafter be changed, except by a vote of two-thirds of all the qualified electors of the State voting on that question, at a general election, at which the question of location of the seat of government shall have been submitted by the General Assembly.

SEC. 4. The General Assembly shall make no appropriation or expenditure for capitol buildings or grounds, until the seat of government shall have been permanently located, as herein provided.

SEC. 5. The following Territorial institutions, to wit: The University at Boulder, the Agricultural College at Fort Collins, the School of Mines at Golden, the Institute for the Education of Mutes at Colorado Springs, shall, upon the adoption of this Constitution, become institutions of the State of Colorado, and the management thereof subject to the control of the State, under such laws and regulations as the General Assembly shall provide; and the location of said institutions, as well as all gifts, grants, and appropriations of money and property, real and personal, heretofore made to said several institutions, are hereby confirmed to the use and benefit of the same respectively; *Provided*, This section shall not apply to any institution, the property, real or personal, of which is now vested in the trustees thereof, until such property be transferred by proper conveyance, together with the control thereof, to the officers provided for the management of said institution by this Constitution, or by law,

## ARTICLE IX.

## EDUCATION.

SECTION 1. The general supervision of the public schools of the State shall be vested in a board of education, whose powers and duties shall be prescribed by law; the Superintendent of Public Instruction, the Secretary of State and Attorney-General shall constitute the board, of which the Superintendent of Public Instruction shall be president.

SEC. 2. The General Assembly shall, as soon as practicable, provide for the establishment and maintenance of a thorough and uniform system of free public schools throughout the State, wherein all the residents of the State between the ages of six and twenty-one years may be educated gratuitously. One or more public schools shall be maintained in each school district within the State, at least three months in each year; any school district failing to have such school shall not be entitled to receive any portion of the school fund for that year.

SEC. 3. The public school fund of the State shall forever remain inviolate and intact; the interest thereon only shall be expended in the maintenance of the schools of the State, and shall be distributed amongst the several counties and school districts of the State, in such manner as may be prescribed by law. No part of this fund, principal or interest, shall ever be transferred to any other fund, or used or appropriated except as herein provided. The State Treasurer shall be the custodian of this fund, and the same shall be securely and profitably invested as may be by law directed. The State shall supply all losses thereof that may in any manner occur.

SEC. 4. Each county treasurer shall collect all school funds belonging to his county and the several school districts therein, and disburse the same to the proper districts upon warrants drawn by the county superintendent or by the proper district authorities, as may be provided by law.

SEC. 5. The public school fund of the State shall consist of the proceeds of such lands as have heretofore been, or may hereafter be, granted to the State by the general government for educational purposes; all estates that may escheat to the State; also all other grants, gifts or devices that may be made to this State for educational purposes.

SEC. 6. There shall be a county superintendent of schools in each county, whose term of office shall be two years, and whose duties, qualifications and compensation shall be prescribed by law.

He shall be *ex-officio* commissioner of lands within his county, and shall discharge the duties of said office under the direction of the State board of land commissioners, as directed by law.

SEC. 7. Neither the General Assembly, nor any county, city, town, township, school district or other public corporation, shall ever make any appropriation, or pay from any public fund or moneys whatever, anything in aid of any church or sectarian society, or for any sectarian purpose, or to help support or sustain any school, academy, seminary, college, university or other literary or scientific institution, controlled by any church or sectarian denomination whatsoever; nor shall any grant or donation of land, money or other personal property, ever be made by the State, or any such public corporation, to any church or for any sectarian purpose.

SEC. 8. No religious test or qualification shall ever be required of any person as a condition of admission into any public educational institution of the State, either as teacher or student; and no teacher or student of any such institution shall ever be required to attend or participate in any religious service whatever. No sectarian tenets or doctrines shall ever be taught in the public schools, nor shall any distinction or classification of pupils be made on account of race or color.

SEC. 9. The Governor, Superintendent of Public Instruction, Secretary of State and Attorney-General shall constitute the State Board of Land Commissioners, who shall have the direction, control and disposition of the public lands of the State, under such regulations as may be prescribed by law.

SEC. 10. It shall be the duty of the State Board of Land Commissioners to provide for the location, protection, sale or other disposition of all the lands heretofore or which may hereafter be granted to the State by the general government, under such regulations as may be prescribed by law, and in such manner as will secure the maximum possible amount therefor. No law shall ever be passed by the General Assembly granting any privileges to persons who may have settled upon any such public lands subsequent to the survey thereof by the general government, by which the amount to be derived by the sale, or other disposition of such lands, shall be diminished, directly or indirectly. The General Assembly shall, at the earliest practicable period, provide by law that the several grants of land made by Congress to the State shall be judiciously located and carefully preserved and held in trust subject to disposal, for the use and benefit of the respective objects for which said grants of land were made; and the General

Assembly shall provide for the sale of said lands from time to time; and for the faithful application of the proceeds thereof in accordance with the terms of said grants.

SEC. 11. The General Assembly may require, by law, that every child of sufficient mental and physical ability shall attend the public school during the period between the ages of six and eighteen years, for a time equivalent to three years, unless educated by other means.

SEC. 12. There shall be elected by the qualified electors of the State, at the first general election under this Constitution, six regents of the university, who shall immediately after their election be so classified, by lot, that two shall hold their office for the term of two years, two for four years, and two for six years; and every two years after the first election there shall be elected two regents of the university, whose term of office shall be six years. The regents thus elected, and their successors, shall constitute a body corporate, to be known by the name and style of "The Regents of the University of Colorado."

SEC. 13. The regents of the university shall, at their first meeting, or as soon thereafter as practicable, elect a president of the university, who shall hold his office until removed by the board of regents for cause; he shall be, *ex-officio*, a member of the board, with the privilege of speaking, but not of voting, except in cases of a tie; he shall preside at the meetings of the board, and be the principal executive officer of the university, and a member of the faculty thereof.

SEC. 14. The board of regents shall have the general supervision of the university, and the exclusive control and direction of all funds of, and appropriations for, the university.

SEC. 15. The General Assembly shall, by law, provide for organization of school districts of convenient size, in each of which shall be established a board of education, to consist of three or more directors, to be elected by the qualified electors of the district. Said directors shall have control of instruction in the public schools of their respective districts.

SEC. 16. Neither the General Assembly nor the State Board of Education shall have power to prescribe text books to be used in the public schools.

## ARTICLE X.

### REVENUE.

SECTION 1. The fiscal year shall commence on the first day of October in each year, unless otherwise provided by law.<sup>1</sup>

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<sup>1</sup> The fiscal year now begins on the first day of December of each year.

SEC. 2. The General Assembly shall provide by law for an annual tax, sufficient, with other resources, to defray the estimated expenses of the State Government for each fiscal year.

SEC. 3. All taxes shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax and shall be levied and collected under general laws which shall prescribe such regulations as shall secure a just valuation for the taxation of all property, real and personal; *Provided*, That the household goods of every person being the head of a family, to the value of two hundred dollars, shall be exempt from taxation. Ditches, canals, and flumes owned and used by individuals or corporations for irrigating land owned by such individuals or corporations, or the individual members thereof, shall not be separately taxed so long as they shall be owned and used exclusively for such purpose; *And provided further*, That the provisions of this section shall not affect such special assessments for benefits and municipal improvements as the corporate authorities of cities, towns or improvement districts may assess and collect under provisions to be prescribed by law.

SEC. 4. The property, real and personal, of the State, counties, cities, towns and other municipal corporations, and public libraries, shall be exempt from taxation.

SEC. 5. Lots with the buildings thereon, if said buildings are used solely and exclusively for religious worship, for schools or for strictly charitable purposes, also cemeteries not used or held for private or corporate profit, shall be exempt from taxation, unless otherwise provided by general law.

SEC. 6. All laws exempting from taxation property other than that hereinbefore mentioned shall be void.

SEC. 7. The General Assembly shall not impose taxes for the purposes of any county, city, town, or other municipal corporation, but may by law vest in the corporate authorities thereof respectively the power to assess and collect taxes for all purposes of such corporation.

SEC. 8. No county, city, town, or other municipal corporation, the inhabitants thereof, nor the property therein, shall be released or discharged from their or its proportionate share of taxes to be levied for State purposes.

SEC. 9. The power to tax corporations and corporate property, real and personal, shall never be relinquished or suspended.

SEC. 10. All corporations in this State, or doing business therein, shall be subject to taxation for State, county, school, municipal, and other purposes, on the real and personal property

owned or used by them within the territorial limits of the authority levying the tax.

SEC. 11. The rate of taxation on property for State purposes, shall never exceed four mills on each dollar of valuation.

SEC. 12. The treasurer shall keep a separate account of each fund in his hands; and shall, at the end of each quarter of the fiscal year, report to the Governor in writing, under oath, the amount of all moneys in his hands to the credit of every such fund, and the place where the same are kept or deposited, and the number and amount of every warrant received, and the number and amount of every warrant paid therefrom during the quarter. Swearing falsely to any such report shall be deemed perjury. The Governor shall cause every such report to be immediately published in at least one newspaper printed at the seat of government, and otherwise as the General Assembly may require. The General Assembly may provide by law further regulations for the safe keeping and management of the public funds in the hands of the treasurer, but, notwithstanding any such regulation, the treasurer and his sureties shall in all cases be held responsible therefor.

SEC. 13. The making of profit, directly or indirectly, out of State, county, city, town or school-district money, or using the same for any purpose not authorized by law, by any public officer, shall be deemed a felony, and shall be punished as provided by law.

SEC. 14. Private property shall not be taken or sold for the payment of the corporate debt of municipal corporations.

SEC. 15. There shall be a State Board of Equalization, consisting of the Governor, State Auditor, State Treasurer, Secretary of State, and Attorney-General; also, in each county of this State, a county board of equalization, consisting of the board of county commissioners of said county. The duty of the State Board of Equalization shall be to adjust and equalize the valuation of real and personal property among the several counties of the State. The duty of the county boards of equalization shall be to adjust and equalize the valuation of real and personal property within their respective counties. Each board shall also perform such other duties as may be prescribed by law.

SEC. 16. No appropriation shall be made nor any expenditure authorized by the General Assembly whereby the expenditure of the State during any fiscal year shall exceed the total tax then provided for by law and applicable for such appropriation or

expenditure unless the General Assembly making such appropriation shall provide for levying a sufficient tax not exceeding the rates allowed in section eleven of this article to pay such appropriation or expenditure within such fiscal year. This provision shall not apply to appropriations or expenditures to suppress insurrection, defend the State, or assist in defending the United States in time of war.

## ARTICLE XI.

### PUBLIC INDEBTEDNESS.

SECTION 1. Neither the State nor any county, city, town, township or school district shall lend or pledge the credit or faith thereof, directly or indirectly, in any manner to or in aid of any person, company or corporation, public or private, for any amount or for any purpose whatever, or become responsible for any debt, contract or liability of any person, company or corporation, public or private, in or out of the State.

SEC. 2. Neither the State nor any county, city, town, township or school district, shall make any donation or grant to, or in aid of, or become a subscriber to, or shareholder in, any corporation or company, or a joint owner with any person, company or corporation, public or private, in or out of the State, except as to such ownership as may accrue to the State by escheat, or by forfeiture, by operation or provision of law; and except as to such ownership as may accrue to the State, or to any county, city, town, township or school district, or to either or any of them, jointly with any person, company or corporation, by forfeiture or sale of real estate for non-payment of taxes, or by donation or devise for public use, or by purchase by or on behalf of any or either of them, jointly with any or either of them, under execution in cases of fines, penalties or forfeiture of recognizance, breach of condition of official bond, or of bond to secure public moneys, or the performance of any contract in which they or any of them may be jointly or severally interested.

SEC. 3. The State shall not contract any debt by loan in any form except to provide for casual deficiencies of revenue, erect public buildings for use of the State, suppress insurrection, defend the State, or, in time of war, assist in defending the United States; and the amount of the debt contracted in any one year to provide for deficiencies of revenue shall not exceed one-fourth of a mill on each dollar of valuation of taxable property within the State, and the aggregate amount of such debt shall not at any time exceed

three-fourths of a mill on each dollar of said valuation until the valuation shall equal one hundred millions of dollars, and thereafter such debt shall not exceed one hundred thousand dollars, and the debt incurred in any one year for erection of public buildings shall not exceed one-half mill on each dollar of said valuation, and the aggregate amount of such debt shall never at any time exceed the sum of fifty thousand dollars (except as provided in section five of this article), and in all cases the valuation in this section mentioned shall be that of the assessment last preceding the creation of said debt.

SEC. 4. In no case shall any debt above mentioned in this article be created except by a law which shall be irrevocable until the indebtedness therein provided for shall have been fully paid or discharged; such law shall specify the purposes to which the funds so raised shall be applied, and provide for the levy of a tax sufficient to pay the interest on, and extinguish the principal of such debt within the time limited by such law for the payment thereof, which in the case of debts contracted for the erection of public buildings and supplying deficiencies of revenue, shall not be less than ten nor more than fifteen years, and the funds arising from the collection of any such tax shall not be applied to any other purpose than that provided in the law levying the same; and when the debt thereby created shall be paid or discharged, such tax shall cease, and the balance, if any, to the credit of the fund, shall immediately be placed to the credit of the general fund of the State.

SEC. 5. A debt for the purpose of erecting public buildings may be created by law, as provided for in section four of this article, not exceeding in the aggregate three mills on each dollar of said valuation; *Provided*, That before going into effect such law shall be ratified by the vote of a majority of such qualified electors of the State as shall vote thereon at a general election, under such regulations as the General Assembly may prescribe.

SEC. 6. No county shall contract any debt by loan in any form except for the purpose of erecting necessary public buildings, making or repairing public roads and bridges; and such indebtedness contracted in any one year shall not exceed the rates upon the taxable property in such county following, to wit: Counties in which the assessed valuation of taxable property shall exceed five millions of dollars, one dollar and fifty cents on each thousand dollars thereof; Counties in which such valuation shall be less than five millions of dollars, three dollars on each thousand dollars thereof; And the aggregate amount of indebtedness of any county for all



purposes, exclusive of debts contracted before the adoption of this Constitution, shall not at any time exceed twice the amount above herein limited, unless when in manner provided by law, the question of incurring such debt shall, at a general election, be submitted to such of the qualified electors of such county as in the year last preceding such election shall have paid a tax upon property assessed to them in such county, and a majority of those voting thereon shall vote in favor of incurring the debt; but the bonds, if any be issued therefor, shall not run less than ten years, and the aggregate amount of debt so contracted shall not at any time exceed twice the rate upon the valuation last herein mentioned; *Provided*, That any county in this State which has an indebtedness outstanding, either in the form of warrants issued for purposes provided by law prior to December 31, A. D. 1886, or in the form of funding bonds issued prior to such date for such warrants previously outstanding, or in the form of public building, road or bridge bonds outstanding at such date, may contract a debt by loan by the issuance of bonds for the purpose of liquidating such indebtedness, provided the question of issuing said bonds shall, at a general or special election called for that purpose, be submitted to the vote of such of the duly qualified electors of such county as in the year last preceding such election shall have paid a tax upon property assessed in such county, and the majority of those voting thereon shall vote in favor of issuing the bonds.. Such election shall be held in the manner prescribed by the laws of this State for the issuance of road, bridge and public building bonds, and the bonds authorized at such election shall be issued and provision made for their redemption in the same manner as provided in said law.

SEC. 7. No debt by loan in any form shall be contracted by any school district for the purpose of erecting and furnishing school buildings, or purchasing grounds, unless the proposition to create such debt shall first be submitted to such qualified electors of the district as shall have paid a school tax therein in the year next preceding such election, and a majority of those voting thereon shall vote in favor of incurring such debt.

SEC. 8. No city or town shall contract any debt by loan in any form, except by means of an ordinance, which shall be irrevocable, until the indebtedness therein provided for shall have been fully paid or discharged; specifying the purposes to which the funds to be raised shall be applied, and providing for the levy of a tax, not exceeding twelve (12) mills on each dollar of valuation of taxable property within such city or town, sufficient to pay the annual in-

terest, and extinguish the principal of such debt within fifteen, but not less than ten years from the creation thereof; and such tax when collected shall be applied only to the purposes in such ordinance specified, until the indebtedness shall be paid or discharged. But no such debt shall be created unless the question of incurring the same shall at a regular election for councilmen, aldermen or officers of such city or town, be submitted to a vote of such qualified electors thereof as shall, in the year next preceding, have paid a property tax therein, and a majority of those voting on the question, by ballot deposited in a separate ballot-box, shall vote in favor of creating such debt; but the aggregate amount of debt so created, together with the debt existing at the time of such election, shall not at any time exceed three per cent. of the valuation last aforesaid. Debts contracted for supplying water to such city or town are excepted from the operation of this section. The valuation in this section mentioned shall be in all cases that of the assessment next preceding the last assessment before the adoption of such ordinance.

SEC. 9. Nothing contained in this article shall be so construed as to either impair or add to the obligation of any debt heretofore contracted by any county, city, town, or school district, in accordance with the laws of Colorado Territory, or prevent the contracting of any debt, or the issuing of bonds therefor, in accordance with said laws, upon any proposition for that purpose which may have been, according to said laws, submitted to a vote of the qualified electors of any county, city, town or school district, before the day on which this Constitution takes effect.

## ARTICLE XII.

### OFFICERS.

SECTION 1. Every person holding any civil office under the State, or any municipality therein, shall, unless removed according to law, exercise the duties of such office until his successor is duly qualified; but this shall not apply to members of the General Assembly, nor to members of any board or assembly, two or more of whom are elected at the same time; the General Assembly may by law provide for suspending any officer in his functions, pending impeachment or prosecution for misconduct in office.

SEC. 2. No person shall hold any office or employment of trust or profit under the laws of the State, or any ordinance of any municipality therein, without devoting his personal attention to the duties of the same.

SEC. 3. No person who is now or hereafter may become a collector or receiver of public money, or the deputy or assistant of such collector or receiver, and who shall have become a defaulter in his office, shall be eligible to or assume the duties of any office of trust or profit in this State under the laws thereof, or of any municipality therein, until he shall have accounted for and paid over all public money for which he may be accountable.

SEC. 4. No person hereafter convicted of embezzlement of public money, bribery, perjury, solicitation of bribery, or subornation of perjury, shall be eligible to the General Assembly, or capable of holding any office of trust or profit in this State.

SEC. 5. The district court of each county shall at each term thereof specially give in charge to the grand jury, if there be one, the laws regulating the accountability of the county treasurer, and shall appoint a committee of such grand jury, or of other reputable persons, not exceeding five, to investigate the official accounts and affairs of the treasurer of such county, and report to the court the condition thereof. The judge of the district court may appoint a like committee in vacation at any time, but not oftener than once in every three months. The district court of the county wherein the seat of government may be shall have the like power to appoint committees to investigate the official accounts and affairs of the State Treasurer and the Auditor of State.

SEC. 6. Any civil officer or member of the General Assembly who shall solicit, demand or receive, or consent to receive, directly or indirectly, for himself or for another, from any company, corporation or person, any money, office, appointment, employment, testimonial, reward, thing of value or enjoyment, or of personal advantage or promise thereof, for his vote, official influence, or action, or for withholding the same, or with an understanding that his official influence or action shall [be] in any way influenced thereby, or who shall solicit or demand any such money or advantage, matter or thing aforesaid for another, as the consideration of his vote, official influence or action, or for withholding the same, or shall give or withhold his vote, official influence or action, in consideration of the payment or promise of such money, advantage, matter or thing to another, shall be held guilty of bribery, or solicitation of bribery, as the case may be, within the meaning of this Constitution, and shall incur the disabilities provided thereby for such offense and such additional punishment as is or shall be prescribed by law.

SEC. 7. Every member of the General Assembly shall, before he enters upon his official duties, take an oath or affirmation to

support the Constitution of the United States and of the State of Colorado, and to faithfully perform the duties of his office according to the best of his ability. This oath or affirmation shall be administered in the hall of the House to which the member shall have been elected.

SEC. 8. Every civil officer, except members of the General Assembly and such inferior officers as may be by law exempted, shall, before he enters upon the duties of his office, take and subscribe an oath or affirmation to support the Constitution of the United States and of the State of Colorado, and to faithfully perform the duties of the office upon which he is about to enter.

SEC. 9. Officers of the executive department and judges of the supreme and district courts, and district attorneys, shall file their oaths of office with the Secretary of State; every other officer shall file his oath of office with the county clerk of the county wherein he shall have been elected.

SEC. 10. If any person elected or appointed to any office shall refuse or neglect to qualify therein within the time prescribed by law, such office shall be deemed vacant.

SEC. 11. The term of office of any officer elected to fill a vacancy shall terminate at the expiration of the term during which the vacancy occurred.

SEC. 12. No person who shall hereafter fight a duel, or assist in the same as a second, or send, accept or knowingly carry a challenge therefor, or agree to go out of the State to fight a duel, shall hold any office in the State.

## ARTICLE XIII.

### IMPEACHMENTS.

SECTION 1. The House of Representatives shall have the sole power of impeachment. The concurrence of a majority of all the members shall be necessary to an impeachment. All impeachments shall be tried by the Senate, and when sitting for that purpose the Senators shall be upon oath or affirmation to do justice according to law and evidence. When the Governor or Lieutenant-Governor is on trial, the chief justice of the supreme court shall preside. No person shall be convicted without a concurrence of two-thirds of the Senators elected.

SEC. 2. The Governor and other State and judicial officers, except county judges and justices of the peace, shall be liable to impeachment for high crimes or misdemeanors, or malfeasance in office, but judgment in such cases shall only extend to removal

from office and disqualification to hold any office of honor, trust or profit in the State. The party, whether convicted or acquitted, shall nevertheless be liable to prosecution, trial, judgment and punishment according to law.

SEC. 3. All officers not liable to impeachment shall be subject to removal for misconduct or malfeasance in office, in such manner as may be provided by law.

## ARTICLE XIV.

### COUNTIES.

SECTION 1. The several counties of the Territory of Colorado, as they now exist, are hereby declared to be counties of the State.

SEC. 2. The General Assembly shall have no power to remove the county seat of any county, but the removal of county seats shall be provided for by general law, and no county seat shall be removed unless a majority of the qualified electors of the county, voting on the proposition at a general election, vote therefor; and no such proposition shall be submitted oftener than once in four years, and no person shall vote on such proposition who shall not have resided in the county six months and in the election precinct ninety days next preceding such election.

SEC. 3. No part of the territory of any county shall be stricken off and added to an adjoining county without first submitting the question to the qualified voters of the county from which the territory is proposed to be stricken off; nor unless a majority of all the qualified voters of said county voting on the question shall vote therefor.

SEC. 4. In all cases of the establishment of any new county, the new county shall be held to pay its ratable proportion of all then existing liabilities of the county or counties from which such new county shall be formed.

SEC. 5. When any part of a county is stricken off and attached to another county, the part stricken off shall be held to pay its ratable proportion of all then existing liabilities of the county from which it is taken.

### COUNTY OFFICERS.

SEC. 6. In each county there shall be elected for the term of three years, three county commissioners, who shall hold sessions for the transaction of county business as provided by law; any two of whom shall constitute a quorum for the transaction of business. One of said commissioners shall be elected on the first Tuesday in

October, eighteen hundred and seventy-six, and every year thereafter one such officer shall be elected in each county, at the general election, for the term of three years; *Provided*, That when the population of any county shall exceed ten thousand, the board of county commissioners may consist of five members, who shall be elected as provided by law, any three of whom shall constitute a quorum for the transaction of business.

SEC. 7. The compensation of all county and precinct officers shall be as provided by law.

SEC. 8. There shall be elected in each county, on the first Tuesday in October, in the year eighteen hundred and seventy-seven, and every alternate year forever thereafter, one county clerk who shall be *ex-officio* recorder of deeds and clerk of the board of county commissioners; one sheriff; one coroner; one treasurer, who shall be collector of taxes; one county superintendent of schools; one county surveyor; and one county assessor.

SEC. 9. In case of a vacancy occurring in the office of county commissioner, the Governor shall fill the same by appointment; and in case of a vacancy in any other county office, or in any precinct office, the board of county commissioners shall fill the same by appointment; and the person appointed shall hold the office until the next general election, or until the vacancy be filled by election according to law.

SEC. 10. No person shall be eligible to any county office unless he shall be a qualified elector; nor unless he shall have resided in the county one year preceding his election.

SEC. 11. There shall, at the first election at which county officers are chosen, and annually thereafter, be elected in each precinct one justice of the peace and one constable, who shall each hold his office for the term of two years; *Provided*, That in precincts containing five thousand or more inhabitants, the number of justices and constables may be increased as provided by law.<sup>1</sup>

SEC. 12. The General Assembly shall provide for the election or appointment of such other county, township, precinct and municipal officers as public convenience may require; and their terms of office shall be as prescribed by law, not in any case to exceed two years.

SEC. 13. The General Assembly shall provide by general laws for the organization and classification of cities and towns. The number of such classes shall not exceed four, and the powers of each class shall be defined by general laws, so that all municipal

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<sup>1</sup> See foot-note 1, page 52.

corporations of the same class shall possess the same powers and be subject to the same restrictions.

SEC. 14. The General Assembly shall also make provision by general law whereby any city, town or village, incorporated by any special or local law, may elect to become subject to and be governed by the general law relating to such corporations.

SEC. 15. For the purpose of providing for and regulating the compensation of county and precinct officers, the General Assembly shall by law classify the several counties of the State according to population, and shall grade and fix the compensation of the officers within the respective classes according to the population thereof. Such law shall establish scales of fees to be charged and collected by such of the county and precinct officers as may be designated therein for services to be performed by them respectively; and where salaries are provided, the same shall be payable only out of the fees actually collected in all cases where fees are prescribed. All fees, perquisites and emoluments above the amount of such salaries shall be paid into the county treasury.

## ARTICLE XV.

### CORPORATIONS.

SECTION 1. All existing charters or grants of special or exclusive privileges under which the corporators or grantees shall not have organized and commenced business in good faith at the time of the adoption of this Constitution, shall thereafter have no validity.

SEC. 2. No charter of incorporation shall be granted, extended, changed or amended by special law, except for such municipal, charitable, educational, penal or reformatory corporations as are or may be under the control of the State; but the General Assembly shall provide by general laws for the organization of corporations hereafter to be created.

SEC. 3. The General Assembly shall have the power to alter, revoke or annul any charter of incorporation now existing and revocable at the adoption of this Constitution, or any that may hereafter be created, whenever in their opinion it may be injurious to the citizens of the State, in such manner, however, that no injustice shall be done to the corporators.

SEC. 4. All railroads shall be public highways, and all railroad companies shall be common carriers. Any association or corporation organized for the purpose shall have the right to construct and operate a railroad between any designated points within the State, and to connect at the State line with railroads of other States and

Territories. Every railroad company shall have the right with its road to intersect, connect with or cross any other railroad.

SEC. 5. No railroad corporation, or the lessees or managers thereof, shall consolidate its stock, property or franchises with any other railroad corporation owning or having under its control a parallel or competing line.

SEC. 6. All individuals, associations and corporations shall have equal rights to have persons and property transported over any railroad in this State, and no undue or unreasonable discrimination shall be made in charges or in facilities for transportation of freight or passengers within the State, and no railroad company, nor any lessee, manager or employe thereof, shall give any preference to individuals, associations or corporations in furnishing cars or motive power.

SEC. 7. No railroad or other transportation company in existence at the time of the adoption of this Constitution, shall have the benefit of any future legislation without first filing in the office of the Secretary of State an acceptance of the provisions of this Constitution, in binding form.

SEC. 8. The right of eminent domain shall never be abridged, nor so construed as to prevent the General Assembly from taking the property and franchises of incorporated companies and subjecting them to public use, the same as the property of individuals; and the police power of the State shall never be abridged or so construed as to permit corporations to conduct their business in such manner as to infringe the equal rights of individuals or the general well-being of the State.

SEC. 9. No corporation shall issue stocks or bonds, except for labor done, service performed, or money or property actually received, and all fictitious increase of stock or indebtedness shall be void. The stock of corporations shall not be increased except in pursuance of general law, nor without the consent of the persons holding a majority of the stock, first obtained at a meeting held after at least thirty days' notice given in pursuance of law.

SEC. 10. No foreign corporation shall do any business in this State without having one or more known places of business and an authorized agent or agents in the same, upon whom process may be served.

SEC. 11. No street railroad shall be constructed within any city, town or incorporated village, without the consent of the local authorities having the control of the street or highways proposed to be occupied by such street railroad.

SEC. 12. The General Assembly shall pass no law for the



benefit of a railroad or other corporation, or any individual or association of individuals, retrospective in its operation, or which imposes on the people of any county or municipal subdivision of the State, a new liability in respect to transactions or considerations already past.

SEC. 13. Any association or corporation, or the lessees or managers thereof, organized for the purpose, or any individual, shall have the right to construct and maintain lines of telegraph within this State, and to connect the same with other lines, and the General Assembly shall by general law of uniform operation provide reasonable regulations to give full effect to this section. No telegraph company shall consolidate with or hold a controlling interest in the stock or bonds of any other telegraph company owning or having the control of a competing line, or acquire, by purchase or otherwise, any other competing line of telegraph.

SEC. 14. If any railroad, telegraph, express or other corporation organized under any of the laws of this State, shall consolidate, by sale or otherwise, with any railroad, telegraph, express or other corporation organized under any laws of any other State or Territory, or of the United States, the same shall not thereby become a foreign corporation, but the courts of this State shall retain jurisdiction over that part of the corporate property within the limits of the State in all matters which may arise, as if said consolidation had not taken place.

SEC. 15. It shall be unlawful for any person, company or corporation to require of its servants or employes, as a condition of their employment or otherwise, any contract or agreement whereby such person, company or corporation shall be released or discharged from liability or responsibility on account of personal injuries received by such servants or employes while in the service of such person, company or corporation, by reason of the negligence of such person, company or corporation, or the agents or employes thereof, and such contracts shall be absolutely null and void.

## ARTICLE XVI.

### MINING AND IRRIGATION.

#### MINING.

SEC. 1. There shall be established and maintained the office of commissioner of mines, the duties and salaries of which shall be prescribed by law. When said office shall be established, the Governor shall, with the advice and consent of the Senate, appoint

thereto a person known to be competent, whose term of office shall be four years.

SEC. 2. The General Assembly shall provide by law for the proper ventilation of mines, the construction of escapement shafts, and such other appliances as may be necessary to protect the health and secure the safety of the workmen therein; and shall prohibit the employment in the mines of children under twelve years of age.

SEC. 3. The General Assembly may make such regulations, from time to time, as may be necessary for the proper equitable drainage of mines.

SEC. 4. The General Assembly may provide that the science of mining and metallurgy be taught in one or more of the institutions of learning under the patronage of the State.

#### IRRIGATION.

SEC. 5. The water of every natural stream, not heretofore appropriated, within the State of Colorado, is hereby declared to be the property of the public, and the same is dedicated to the use of the people of the State, subject to appropriation as hereinafter provided.

SEC. 6. The right to divert unappropriated water of any natural stream to waters of any natural stream for beneficial uses shall never be denied. Priority of appropriation shall give the better right as between those using the water for the same purpose; but when the waters of any natural stream are not sufficient for the service of all those desiring the use of the same, those using the water for domestic purposes shall have the preference over those claiming for any other purpose, and those using the water for agricultural purposes shall have preference over those using the same for manufacturing purposes.

SEC. 7. All persons and corporations shall have the right of way across public, private and corporate lands for the construction of ditches, canals and flumes, for the purpose of conveying water for domestic purposes, for the irrigation of agricultural lands, and for mining and manufacturing purposes, and for drainage, upon payment of just compensation.

SEC. 8. The General Assembly shall provide by law that the Board of County Commissioners, in their respective counties, shall have power, when application is made to them by either party interested, to establish reasonable maximum rates to be charged for the use of water, whether furnished by individuals or corporations.

## ARTICLE XVII.

## MILITIA.

SECTION 1. The militia of the State shall consist of all able-bodied male residents of the State, between the ages of eighteen and forty-five years, except such persons as may be exempted by the laws of the United States or of the State.

SEC. 2. The organization, equipment and discipline of the militia shall conform, as nearly as practicable, to the regulations for the government of the armies of the United States.

SEC. 3. The Governor shall appoint all general, field and staff officers, and commission them. Each company shall elect its own officers, who shall be commissioned by the Governor; but if any company shall fail to elect such officers within the time prescribed by law, they may be appointed by the Governor.

SEC. 4. The General Assembly shall provide for the safe keeping of the public arms, military records, relics and banners of the State.

SEC. 5. No person having conscientious scruples against bearing arms shall be compelled to do militia duty in time of peace; *Provided*, Such person shall pay an equivalent for such exemption.

## ARTICLE XVIII.

## MISCELLANEOUS.

SECTION 1. The General Assembly shall pass liberal home-  
stead and exemption laws.

SEC. 2. The General Assembly shall have no power to authorize lotteries or gift enterprises for any purpose, and shall pass laws to prohibit the sale of lottery or gift enterprise tickets in this State.

SEC. 3. It shall be the duty of the General Assembly to pass such laws as may be necessary and proper to decide differences by arbitrators, to be appointed by mutual agreement of the parties to any controversy, who may choose that mode of adjustment. The powers and duties of such arbitrators shall be as prescribed by law.

SEC. 4. The term felony, wherever it may occur in this Constitution, or the laws of the State, shall be construed to mean any criminal offense punishable by death or imprisonment in the penitentiary, and none other.

SEC. 5. The General Assembly shall prohibit by law the importation into this State, for the purpose of sale, of any spurious, poisonous, or drugged spirituous liquors, or spirituous

liquors adulterated with any poisonous or deleterious substance, mixture, or compound; and shall prohibit the compounding or manufacture within this State, except for chemical or mechanical purposes, of any of said liquors, whether they be denominated spirituous, vinous, malt or otherwise; and shall also prohibit the sale of any such liquors to be used as a beverage, and any violation of either of said prohibitions shall be punished by fine and imprisonment. The General Assembly shall provide by law for the condemnation and destruction of all spurious, poisonous or drugged liquors herein prohibited.

SEC. 6. The General Assembly shall enact laws in order to prevent the destruction of and to keep in good preservation the forests upon the lands of the State, or upon the lands of the public domain, the control of which shall be conferred by congress upon the State.

SEC. 7. The General Assembly may provide that the increase in the value of private lands caused by the planting of hedges, orchards and forests thereon shall not for a limited time, to be fixed by law, be taken into account in assessing such lands for taxation.

SEC. 8. The General Assembly shall provide for the publication of the laws passed at each session thereof; and until the year 1900 they shall cause to be published in Spanish and German a sufficient number of copies of said laws to supply that portion of the inhabitants of the State who speak those languages and who may be unable to read and understand the English language.

## ARTICLE XIX.

### AMENDMENTS.

SECTION 1. The General Assembly may at any time by a vote of two-thirds of the members elected to each House recommend to the electors of the State to vote at the next general election for or against a convention to revise, alter and amend this Constitution; and if a majority of those voting on the question shall declare in favor of such convention the General Assembly shall at its next session provide for the calling thereof. The number of members of the convention shall be twice that of the Senate and they shall be elected in the same manner, at the same places, and in the same districts. The General Assembly shall, in the act of calling the convention designate the day, hour and place of its meeting, fix the pay of its members and officers, and provide for the payment of the same, together with the necessary expenses of the convention. Before proceeding the members shall take an oath to

support the Constitution of the United States and of the State of Colorado and to faithfully discharge their duties as members of the convention. The qualification of members shall be the same as of members of the Senate, and vacancies occurring shall be filled in the manner provided for filling vacancies in the General Assembly. Said convention shall meet within three months after such election and prepare such revisions, alterations or amendments to the Constitution as may be deemed necessary, which shall be submitted to the electors for their ratification or rejection, at an election appointed by the convention for that purpose, not less than two nor more than six months after adjournment thereof; and unless so submitted and approved by a majority of the electors voting at the election no such revision, alteration or amendment shall take effect.

SEC. 2. Any amendment or amendments to this Constitution may be proposed in either House of the General Assembly and if the same shall be voted for by two-thirds of all the members elected to each House, such proposed amendments, together with the ayes and noes of each House thereon, shall be entered in full on their respective journals; and the Secretary of State shall cause the said amendment or amendments to be published in full in at least one newspaper in each county (if such there be) for three months previous to the next general election for members to the General Assembly; and at said election the said amendment or amendments shall be submitted to the qualified electors of the State for their approval or rejection, and such as are approved by a majority of those voting thereon shall become part of this Constitution, but the General Assembly shall have no power to propose amendments to more than one article of this Constitution at the same session.

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## APPENDIX.

### TERRITORIAL GOVERNORS OF COLORADO.

	From	To
William Gilpin . . . . .	July, 1861	May, 1862
John Evans . . . . .	May, 1862	Oct. 1865
Alexander Cummings . . . . .	Oct. 1865	May, 1867
Alexander C. Hunt . . . . .	May, 1867	June, 1869
Edward M. McCook . . . . .	June, 1869	April, 1873
Samuel H. Elbert . . . . .	April, 1873	July, 1874
Edward M. McCook . . . . .	July, 1874	Mar. 1875
John L. Routt . . . . .	Mar. 1875	Nov. 1876

### GOVERNORS OF THE STATE OF COLORADO.

John L. Routt . . . . .	Nov. 1876	Jan. 1879
Fred. W. Pitkin . . . . .	Jan. 1879	Jan. 1883
James B. Grant . . . . .	Jan. 1883	Jan. 1885
Benj. H. Eaton . . . . .	Jan. 1885	Jan. 1887
Alva Adams . . . . .	Jan. 1887	Jan. 1889
Job A. Cooper . . . . .	Jan. 1889	Jan. 1891
John L. Routt . . . . .	Jan. 1891	Jan. 1893
Davis H. Waite . . . . .	Jan. 1893	Jan. 1895
Albert W. McIntire . . . . .	Jan. 1895	Jan. 1897
Alva Adams . . . . .	Jan. 1897	

### COUNTIES AND COUNTY SEATS IN COLORADO.

COUNTY.	COUNTY SEAT.
1. Arapahoe . . . . .	Denver.
2. Archuleta . . . . .	Pagosa Springs.
3. Baca . . . . .	Springfield.
4. Bent . . . . .	Las Animas.
5. Boulder . . . . .	Boulder.
6. Chaffee . . . . .	Buena Vista.
7. Cheyenne . . . . .	Cheyenne Wells.
8. Clear Creek . . . . .	Georgetown
9. Conejos . . . . .	Conejos.
10. Costilla . . . . .	San Luis.
11. Custer . . . . .	Silver Cliff.

COUNTY.	COUNTY SEAT.
12. Delta . . . . .	Delta.
13. Dolores . . . . .	Rico.
14. Douglas . . . . .	Castle Rock.
15. Eagle . . . . .	Red Cliff.
16. Elbert . . . . .	Kiowa.
17. El Paso . . . . .	Colorado Springs.
18. Fremont . . . . .	Canon City.
19. Garfield . . . . .	Glenwood Springs.
20. Gilpin . . . . .	Central City.
21. Grand . . . . .	Hot Sulphur Springs.
22. Gunnison . . . . .	Gunnison.
23. Hinsdale . . . . .	Lake City.
24. Huerfano . . . . .	Walsenburg.
25. Jefferson . . . . .	Golden.
26. Kiowa . . . . .	Sheridan Lake.
27. Kit Carson . . . . .	Burlington.
28. Lake . . . . .	Leadville.
29. La Plata . . . . .	Durango.
30. Larimer . . . . .	Fort Collins.
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37. Montrose . . . . .	Montrose.
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40. Ouray . . . . .	Ouray.
41. Park . . . . .	Fairplay.
42. Phillips . . . . .	Holyoke.
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54. Washington . . . . .	Akron.
55. Weld . . . . .	Greeley.
56. Yuma . . . . .	Yuma.
57. Teller . . . . .	Cripple Creek.

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Secretary of State . . . . .	3000
Auditor . . . . .	2500
Attorney-General . . . . .	3000
Treasurer . . . . .	6000
Superintendent of Public Instruction . . . . .	3000
Justices of Supreme Court, each . . . . .	5000
Judges of Court of Appeals, each . . . . .	5000
Judges of District Courts, each . . . . .	4000
District Attorneys, each . . . . .	800

A member of the General Assembly receives \$7 per day and mileage.  
The salaries of local officers are regulated by general law.

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#### WORKS OF REFERENCE.

THE plan of this book presupposes a careful reading of the Constitution together with such supplementary reading as the time and opportunities of the pupil may permit. The following works will be found helpful and stimulating:

- MILLS, *Annotated Statutes of Colorado.*  
DOLE, *The American Citizen.*  
DOLE, *Talks About Law.*  
NORDHOFF, *Politics for Young Americans.*  
LALOR, *Cyclopædia of Political Science, Political Economy and United States History.*  
ADAMS, *Johns Hopkins University Studies.*  
THORPE, *A Course in Civil Government.*  
MACY, *Our Government.*  
WILSON, *The State.*  
FISKE, *Civil Government in the United States.*  
BRYCE, *The American Commonwealth.*  
MARTIN, *Civil Government.*  
HINSDALE, *The American Government.*  
BROOKS, *How the Republic is Governed.*





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